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PROCEEDINGS

NATIONAL ADVISORY BOARD COUNCIL

TWENTY – FOURTH ANNUAL MEETING

March 18 - 20, 1964

Washington, D. C.

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UNITED STATES DEPARTMENT OF THE INTERIOR
STEWART L. UDALL, *Secretary*

John A. Carver, Jr., *Assistant Secretary*
Public Land Management

BUREAU OF LAND MANAGEMENT
Charles H. Stoddard, *Director*

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PROCEEDINGS
of the
NATIONAL ADVISORY BOARD COUNCIL
Twenty-Fourth Annual Meeting
Washington, D. C.
March 18-20, 1964

The twenty-fourth annual meeting of the National Advisory Board Council was held in Washington, D. C. on March 18-20, 1964. Except for the executive session, all sessions were open to the public.

The morning of the first day was highlighted by a welcoming address by Secretary of the Interior Stewart L. Udall. Next, John A. Carver, Jr., Assistant Secretary for Public Land Management, addressed the Council, with emphasis on the tenure question. Then, Charles H. Stoddard, Director, Bureau of Land Management, reported on the progress and problems of the Bureau. Jerry A. O'Callaghan, Assistant Director, Bureau of Land Management reported on pending legislation, and James P. Beirne, Assistant Director, Bureau of Land Management, reported on the Bureau's appropriations outlook.

The afternoon of the first day was devoted to special reports on matters of interest or concern to the Council. First, Arthur C. Harris, Council member from Alaska, presented a narrated slide showing illustrating livestock raising in his state. Next E. I. Rowland, State Director for Montana, presented a paper, "Flexible Pasture Management." partly illustrated by slides. In turn, Jerry A. O'Callaghan, Assistant Director, Bureau of Land Management, reported to the Council on "Cooperative Relationships". and Eugene V. Zumwalt, Assistant Director, Bureau of Land Management, reported on "Protection of Public Lands." Closing the session, Joseph H. Tudor, Assistant Solicitor, Branch of Lands, discussed recent litigation in which the Council was interested.

The Special Committee on Tenure of the National Advisory Board Council met in the evening of the first day. The minutes of that meeting will be documented separately from these proceedings.

The morning of the second day was devoted to the organization and staffing of standing committees within the Council, and the afternoon of the second day was devoted to committee considerations of subjects of interest.

The morning of the third day opened with informal reports of the committee chairman, followed by discussion on advisory board relationships. Next, the Council discussed and considered changes proposed in regulations.

The Council met in executive session on the afternoon of the third day. Upon the conclusion thereof, the Council adjourned at 4:15 p.m., Friday, March 20.

The meeting was attended by the following:

National Advisory Board Council Members - 1963

Alaska
Arthur J. Harris, State-wide

Arizona
Lee J. Esplin, Cattle
Vard H. Heaton, Sheep
Max T. Layton, Wildlife
George Ricca, County Government

California
Lester R. Stewart, Cattle
Joe Mendiburu, Sheep (alternate)
Homer F. Harrison, Wildlife
Gerhard N. Rostvold, Urban-Suburban Development

Colorado
Leonard Horn, Cattle
Dan H. Hughes, Sheep
Edwin S. Hoffman, Wildlife
Bruce Anderson, Oil & Gas

Idaho
Milton T. Jones, Cattle
Ray Lincoln, Sheep
Garnett Kidd, Wildlife
Bruce Bowler, Outdoor Recreation

Montana
Gene J. Etchart, Cattle
Paul G. Lose, Sheep
Eldon Smith, Wildlife

Nevada
Fred Strosnider, Cattle
George N. Swallow, Sheep
Curtis E. Branson, Wildlife
Hugh A. Shamberger, Forestry & Fire

New Mexico
Alva D. Brownfield, Cattle
Floyd W. Lee, Sheep
F. Louis Hernandez, Wildlife
William A. Williams, Jr., Conservation

Oregon

Henry C. Gerber, Cattle
James S. Weber, Sheep
Theodore R. Conn, Wildlife
Lloyd Rea, County Government

Utah

Kumen S. Gardner, Cattle
Briant H. Stringham, Sheep
Othel L. Pay, Wildlife
Edward W. Clyde, Petroleum

Washington

Francis Le Sourd, State-wide

Wyoming

Lawrence W. Hayes, Cattle (alternate)
John W. Hay, Jr., Sheep
Carroll R. Noble, Wildlife
Walter Dimond, Soil Conservation (alternate)

Department of the Interior

Office of the Secretary

Stewart L. Udall, Secretary
John A. Carver, Jr., Assistant Secretary for Public Land Management
Frank P. Briggs, Assistant Secretary for Fish & Wildlife
Henry P. Caulfield, Director, Resources Program Staff

Office of the Solicitor

Joseph H. Tudor, Assistant Solicitor, Branch of Lands

Bureau of Land Management

Charles H. Stoddard, Director
Harold R. Hochmuth, Associate Director
Robert E. Wolf, Assistant to the Director
James P. Beirne, Assistant Director, Administration
James F. Doyle, Assistant Director, Lands & Minerals
Jerry A. O'Callaghan, Assistant Director, Plans & Legislation
Eugene V. Zumwalt, Assistant Director, Range & Forestry
Edgar I. Rowland, State Director, Montana
and others of the Bureau's professional staff

Other Bureaus and offices

Arthur A. Baker, Geological Survey
Marling J. Ankeny, Bureau of Mines
Dan H. Janzen, Bureau of Sport Fisheries and Wildlife
George W. Mathis, Bureau of Indian Affairs
Theodore R. Swem, National Park Service
A. Wayne Harris, Bureau of Reclamation

Representing private organizations, associations, and interest groups

Bob Barthelmess, Montana Stockgrowers Association
Duddley T. Campbell, American National Cattlemen's Association
Paul N. Carlin, National Association of Counties
Harry R. Carpenter, Kansas City Life Insurance Company
Lyle Feller, Prudential Insurance Company of America
C.R. Gutermuth, Wildlife Management Institute
Willard T. Johns, National Wildlife Federation
Edwin F. Marsh, National Woolgrowers Association
Kenneth B. Pomeroy, The American Forestry Association
William I. Powell, Independent Petroleum Association of America
Frank Rogers, Western Oil and Gas Association
John I. Taylor, American Farm Bureau Federation

Members of Congress represented

Alaska

Senator Ernest Gruening, represented by Mrs. Antoinette Friedman

California

Senator Clair Engle, represented by John Gustafson

Idaho

Senator Len B. Jordan, represented by Edward Woozley

Nevada

Senator Alan Bible, represented by Roy M. Whitacre

Utah

Senator Wallace F. Bennett, represented by Miss Joyce Benson
Senator Frank E. Moss, represented by Allen T. Howe
Representative Laurence J. Burton, represented by Richard Richards
Representative Sherman P. Lloyd, represented by Jerome K. Full

Proceedings - Opening Session, Wednesday, March 18

The first session of the 24th annual meeting of the National Advisory Board Council was called to order by Chairman Dan H. Hughes at 9:00 a.m. on Wednesday, March 18, 1964, in the auditorium of the Department of the Interior at Washington, D. C. Judge Hughes next turned the meeting over to Charles H. Stoddard, Director, Bureau of Land Management, who read the following delegation of authority:

> Pursuant to the regulations set forth in 43 CFR 161.13 (g), the Director, Bureau of Land Management, or his designee, is designated as the co-chairman of the National Advisory Board Council for its meeting to be held at Washington, D. C. on March 18-20, 1964.
>
> Signed: Stewart L. Udall
> Secretary of the Interior

Response to invitations extended to Members of Congress to meet with the Council were read. Special messages were received from Senators Wayne L. Morse of Oregon, Gordon Allott of Colorado, Len B. Jordan of Idaho, and Representative John A. Blatnik of Minnesota. The text of these messages are included as Appendix No. 1 through Appendix No. 4 inclusive to these proceedings.

Director Stoddard then introduced officials of the Department of the Interior and representatives of private organizations who were in attendance.

Next, Director Stoddard introduced Secretary of the Interior Stewart L. Udall who welcomed the Council to Washington, D. C. for their twenty-fourth annual meeting. Secretary Udall enumerated some of the major problems with which the Department of the Interior is faced in the management of the public lands and their resources, and stressed the need for continuing, strong Federal-local relationships in approaching solutions to those problems. Secretary Udall's welcoming address is included as Appendix No. 5 to these proceedings.

Next, the Council was addressed by John A. Carver, Jr., Assistant Secretary for Public Land Management. Mr. Carver noted the atmosphere of respect and understanding which prevails among the members of the Council, between Council members and government officials, and between the groups represented by the Council and the government. He stressed that the Council has met directly the hard, practical, politically-charged subjects with which it has been faced, and that a common ground has been reached on basic principles. Mr. Carver then explored the "tenure" question extensively, neither accepting or rejecting the advice and recommendations of the Council but, rather, counseling the groups in their further consideration of the matter. The text of Assistant Secretary Carver's address is

included in its entirety as Appendix No. 6 to these proceedings.

After a short recess, Charles H. Stoddard, Director, Bureau of Land Management, presented the "BLM Report" to the Council. Mr. Stoddard reviewed the progress which had been made since the last meeting of the Council, discussed the major problems with which the Bureau is currently faced, and presented the plans for future programs and actions. The full text of Director Stoddard's report appears as Appendix No. 7 to these proceedings.

Next, Jerry A. O'Callaghan, Assistant Director for Plans and Legislation, Bureau of Land Management, presented a report on proposed and pending Federal legislation concerned with public lands and resource management. Mr. O'Callaghan's report to the Council appears as Appendix No. 8 to these proceedings.

James P. Beirne, Assistant Director for Administration, Bureau of Land Management, then reported to the Council briefly on the outlook for appropriations for public land management. Mr. Beirne highlighted the major program areas for fiscal year 1966, then responded to questions from individual Council members. Whereupon the Council recessed at 12:05 p.m. to reconvene at 1:15 p.m. the same day.

Proceedings - Afternoon Session, Wednesday, March 18

Director Stoddard opened the afternoon session at 1:25 p.m., introducing Arthur C. Harris, Council member from Alaska. Mr. Harris showed some eighty photographic slides illustrating livestock operations in Alaska, commenting on each slide as it was shown. Mr. Harris did not use a prepared script and his narration was not recorded.

Director Stoddard next introduced E. I. Rowland, Bureau of Land Management State Director for Montana. Mr. Rowland presented a paper "Flexible Pasture Management", supplemented by a showing of photographic slides which illustrated the key points covered in the narrative presentation. Mr. Rowland then responded to queries on the subject from various Council members. The full text of Mr. Rowland's paper is included as Appendix No. 9 to these proceedings.

Director Stoddard next introduced Eugene V. Zumwalt, Assistant Director, Bureau of Land Management, who presented to the Council the Bureau's programs, activities, and problems involved with the protection of the public lands and resources, particularly fire protection. The text of Mr. Zumwalt's presentation appears as Appendix No. 10 to these proceedings.

After a brief recess, Assistant Director O'Callaghan reported to the Council on "Cooperative Relationships in Public Land Management",

emphasizing the need for cooperation with user groups and other interested parties as a full time matter and outlining the methods by which the Bureau proposes to achieve effective cooperative relationships, especially at the local level. Mr. O'Callaghan's report is included as Appendix No. 11 to these proceedings.

Following Mr. O'Callaghan's report, Director Stoddard commented that the proposal on flexible pasture management, as presented by State Director Rowland, would involve a very close working relationship, not only with land owners, but also with the district advisory boards and the soil conservation districts, particularly if planning on private lands were to correspond with that on public lands.

Director Stoddard then introduced Joseph H. Tudor, Assistant Solicitor, Branch of Lands, Office of the Solicitor. After a brief review of the history and functions of the Office of the Solicitor, Mr. Tudor discussed with the Council specific recent litigation which was involved with and/or affected the management of the public lands. A summary of Mr. Tudor's remarks appears as Appendix No. 12 to these proceedings.

Whereupon the National Advisory Board Council recessed at 4:50 p.m., to reconvene at 10:00 a.m. on Thursday, March 19, 1964.

Proceedings - Evening Session, Wednesday, March 18

The Special Committee on Tenure of the National Advisory Board Council met at 7:30 p.m., March 18, in room 4550, Department of the Interior Building. The minutes of that meeting will be documented separately from these proceedings.

Proceedings - Morning Session, Thursday, March 19

The Council assembled in the office of Stewart L. Udall, Secretary of the Interior, at 9:30 a.m., March 19. Secretary Udall presented the Department of the Interior Conservation Service Award to two Council members, Henry C. Gerber of Klamath Falls, Oregon, and Judge Dan H. Hughes of Montrose, Colorado. (The Conservation Service Award is granted for the performance of outstanding and direct service to the Department of the Interior in the field of conservation by persons who are not regular government employees.)

After witnessing the presentation, the Council reconvened at 10:10 a.m. Thursday, March 19, in room 4H15, Federal Office Building No. 9. Director Stoddard informed the Council that the Bureau and the Department had explored the establishment of committees within the National Advisory Board Council, pursuant to the Council's recommendation

of November 5, 1963, on the subject. Advising that the Council's recommendation and the Bureau's comments had been referred to the Secretary of the Interior, Director Stoddard then read a memorandum from Secretary Udall authorizing the Director and the Council to establish committees within the Council. The full text of this delegation of authority is set forth as Appendix No. 13 to these proceedings.

Director Stoddard then presented to the Council a Bureau staff paper which, among other things, proposed the establishment of committees within the Council "...structured and staffed according to the related kinds of uses of, and concerns with, the public lands and resources." This staff paper is included as Appendix No. 14 to these proceedings. After very extensive exploration and deliberation, the Council voted: (1) to adopt the committee structure as set forth in the staff paper presented by Director Stoddard, and (2) to appoint a temporary committee, consisting of eight Council members and three Bureau officials, to select and designate the membership of the standing committees. Each Council member indicated in writing the order of his preference for committee assignment.

Whereupon, the Council recessed at 11:00 a.m., March 19, to reconvene at 1:30 p.m. the same day.

The temporary committee then proceeded to select the membership of the standing committees, completing this assignment at 11:45 a.m., whereupon the committee adjourned.

The standing committees, as adopted by the Council, and the membership thereof, as designated by the special committee, are set forth in Appendix No. 15 to these proceedings.

Proceedings - Afternoon Session, Thursday, March 19

The Council reconvened at 1:30 p.m., at which time each Council member was informed of his committee assignment and the place of his committee's meeting. Whereupon the Council recessed at 1:45 p.m., to reconvene in full session at 9:00 a.m. the following day.

The standing committees then met, selected their respective chairman, gave consideration to the subjects with which they were concerned, and formulated their reports and/or recommendations for presentation to the Council on the following day.

Proceedings - Morning Session, Friday, March 20

The Council reconvened at 9:05 a.m., Friday, March 20.

Each committee chairman reported to the Council on how his committee had

organized itself, what matters it had considered, and what recommendations it had formulated for the consideration of the Council; at this point, it was agreed that the recommendations of each committee would be reproduced and distributed to the Council members and that such recommendations would be held for consideration during the executive session that afternoon.

Each committee chairman gave his views and those of his committee members on the newly adopted committee organization. The consenus can be summarized in the following statement of Dr. Gerhard N. Rostvold, Council member from California:

> "...we think the committee idea is an excellent one, that significant strides can be made in terms of our functions as an advisory board if we have the opportunity to spend some of our time in sessions discussing pertinent matters within the structure of the committees that were set up yesterday."

NOTE: As the committee chairman did not file formal reports, committee reports are not included in these proceedings. However, the recommendations of the committees which were adopted by the Council are included in Appendix No. 16 to these proceedings.

During and following the reports of the committee chairman, the relationships of the committees to the Council and of the Council to the state and grazing district advisory boards was discussed in great detail. The needs for and means of informing the local boards and the users of the activities and action of the Council were strongly emphasized.

A question was raised as to how the proposed reorganization of the Bureau of Land Management would relate to and affect the Council. In response, Director Stoddard discussed the reorganization in considerable detail, indicating that the effect, if any, on the Council would be that of broadening the Council's advisory role. Director Stoddard also pointed out how, to an extent, the committee structure adopted by the Council parallels the proposed reorganization of the Bureau's Washington office.

On the first day of the meeting, each member of the Council was furnished with a copy of all proposed amendments to the regulations as set forth in Title 43, Code of Federal Regulations. While most of these were considered to some extent by the various committees on the preceding day, further discussion was requested by the full Council with the appropriate Bureau officials. Most of the discussion centered on proposed amendments to the Federal Range Code (43 CFR, Part 161) although no recommendations relative thereto were adopted by the Council.

However, the Council did vote to recommend a change in 43 CRF 161.6 (e)(9), which recommendation is included in Appendix No. 16 to these proceedings.

Following the discussion on regulations, the Council viewed a motion picture portraying the cadastral engineering activities of the Bureau of Land Management in Alaska.

Whereupon the Council recessed at 11:55 a.m., to reconvene at 1:15 p.m. the same day.

Proceedings, Executive Session, Friday, March 20

The Council reconvened in executive session at 1:15 p.m., Friday, March 20.

The Council voted to reconsider the recommendation adopted at the morning session concerning the amendment to 43 CFR 161.6 (e)(9). After further discussion, the Council affirmed its adoption of this recommendation by a vote of 11 for, 10 against, 16 abstaining, and 4 not present.

Next, the Council considered the recommendations of the standing committees. In so doing, the procedure was formulated whereby the full Council would adopt those committee recommendations on which the Council was in general agreement; those committee recommendations on which the full Council was not in general agreement would be returned to the originating committee for further study and subsequent presentation to the Council. In accordance with this procedure, the Council proceeded to act on the recommendations of the standing committees.

The Council next discussed and voted unanimously to adopt the recommendation of its Special Committee on Tenure to withdraw both the majority and minority reports on tenure pending further study of the question.

All recommendations adopted by the Council are set forth in their entirety in Appendix No. 16 to these proceedings.

The Council then voted to extend its appreciation and congratulations to the Bureau employee responsible for organizing the meeting and commend the Bureau employee responsible for formulating the changes in regulations regarding the election of grazing district advisors.

The Council then discussed the time and place of its next meeting, but arrived at no conclusion.

Whereupon, at 4:15 p.m., the twenty-fourth annual meeting of the National

Advisory Board Council was adjourned.

I certify that I attended the proceedings of the National Advisory Board Council herein reported and that these minutes are an accurate summary account of the matters discussed and the conclusions reached.

4/13/64
(Date)

Charles H. Stoddard

Charles H. Stoddard
Co-Chairman
Director, Bureau of Land Management

MESSAGE FROM SENATOR WAYNE L. MORSE
To the National Advisory Board Council, March 18, 1964

Today you, who are leaders in conservation, dedicated to the preservation and development of our public lands and other natural resources and who are practical men who hold the welfare of our nation uppermost in mind, are meeting here in Washington to counsel with the Secretary of the Interior and the Director of the Bureau of Land Management on important issues in the field of natural resources.

We have before us an urgent need to properly develop, amply protect, and wisely use our soil and water and mineral resources so that they will serve mankind, not only today, but far into the future. I shall look forward to hearing from you after you have completed your deliberations and to having your recommendations on essential steps which should be taken in the field of public land resource management. You have my assurance of cooperation in the public interest and my best wishes for a productive and useful meeting.

MESSAGE FROM SENATOR GORDON ALLOTT
To the National Advisory Board Council, March 18, 1964

Members of the National Advisory Board Council for Public Lands, I wish to extend to you my greetings. I am confident that you will understand that, as a member of the Senate, the business of the Senate must necessarily take precedence over all other activities, and, I regret that the demands of the Civil Rights legislation presently pending before the Senate precludes my attendance at these very important and instructive meetings.

As a member of the Senate Public Lands Sub-committee, I am familiar with many of the problems that have plagued both the private user of public lands and the administrator of those lands. You gentlemen have performed an extremely valuable service in coordinating the various and sometimes comflicting viewpoints of the users and the administrators. Your influence in obtaining realistic public land policies that will best serve the national interest is greatly appreciated by all concerned and cannot be over-rated.

I am confident that the display of good judgment exercised by you in the past will continue to be the hallmark of the Council. I only regret that it has not been possible for me to visit with you personally and extend to you my congratulations for a job well done in person.

MESSAGE FROM SENATOR LEN B. JORDAN
To the National Advisory Board Council, March 18, 1964

Dear Mr. Stoddard and Members of the National Advisory Board Council:

It's a pleasure for me to welcome you to Washington, D. C., as members of the National Advisory Board Council for Public Lands.

Those of us from western States realize the importance of coordinated planning and management of private, State, and Federal lands and resources. In watershed management and forestry practices which include fire protection, suppression and road building, in livestock grazing on intermingled lands, as well as those lands which furnish forage for wildlife uses, all operations must be correlated and consistent to realize the maximum protection from these contiguous lands. It requires the same type of close cooperation in the planning and operation of these intermingled lands that exists in a town where people in the same block share common streets, water systems, sidewalks and crab grass.

I realize there are community problems which come before local advisory boards, then State-wide operations are considered at State advisory resource board meetings. Now you men have been selected from these groups to discuss, analyze, and recommend programs that will be beneficial to all interests on the national level. This is an honor for you but also entails a tremendous responsibility. You have the experience of working and living with the people who are using and practicing conservation on these public lands. You are land owners and taxpayers so you have a broad outlook on the whole picture of public land management.

I trust your meeting will be interesting and constructive and I offer to you, particularly to those of you who are representing Idaho on this board, the services of my office as a U. S. Senator. I trust you will visit me and acquaint me with the problems in our State and I certainly look forward to hearing from you occasionally when you return to your homes.

MESSAGE FROM REPRESENTATIVE JOHN A. BLATNIK
To the National Advisory Board Council, March 18, 1964

Please convey to all those attending the 24th Annual Metting of the National Advisory Board Council for public lands my warmest personal greetings. I deeply regret that my hectic legislative schedule prevents me from attending your meeting.

I wish to commend the members of your very fine Council for the excellent work they have done and are doing in the counseling and management of the livestock, wildlife and land resources of our Nation. It has been most gratifying to observe the development and expansion of this service from early days of the individual grazing district boards to an important instrumentality of the Department of the Interior. The Council's participation in soil and water development and conservation, and its initiation and coordination of vital land management and development programs over the past quarter century have further amplified and enchanced its functions and have significantly increased the many benefits bestowed by it upon our Nation.

My hopes for the continuing success of the National Advisory Board Council and my best wishes for a most enjoyable and fruitful annual meeting.

ADDRESS OF STEWART L. UDALL
SECRETARY OF THE INTERIOR
To the National Advisory Board Council
March 18, 1964

I am glad to have a chance to visit with you and I hope to see most of you tomorrow morning when we have some honors to present to some of your distinguished people here, those who have served long and well working with us in the Department.

The advisory function is much more than a routine one as far as this Board is concerned. When we look at the history of it there has had to be from the beginning -- because of the way it was wisely laid out -- a much more intimate federal-local relationship, a much more intimate relationship between government and the users of this part of our public estate in this area than almost any other area.

I welcome the fact that there is such good attendance here, that there is so much interest in what you are going to discuss during your sessions. I hope that we can work closely together on policy matters which are coming up.

Let me just discuss briefly with you some of the problems that concern me, and some of the things that I hope you will be discussing during your sessions here.

We had a good bit of lively controversy a little over a year ago with regard to the grazing fee increase. I want to say that I have the highest regard for the advice that the Council provided, the position of leadership that it took. I think that we did demonstrate something during this exercise of policy determination: we showed that we could handle this problem, and that a reasonable increase could be put into effect with the support of most of the members of the Council and most of the users.

Another thing that impresses me, too, is that there are more and more people in this country who regard the public lands as truly public lands. This is not just the increasing interest of recreational people or the increasing interest of wildlife people. It is a fact that people in all parts of the country have an interest in this land.

It seems to me that the best way to give these people a feeling that they are at the policy table is not only to bring them into the Council, but to assure that the policies we formulate and carry out take into account their over-all interests. We need to carry forward our conservation programs.

The new initiative provided by the BLM in the field of management and conservation of public lands deserves some comment. Here again, I think that the developments have been favorable and that they deserve strong support.

Chuck Stoddard tells me that the program we have initiated of working out cooperative agreements with the soil conservation districts is developing very well. It means that we can put the pieces together and work together where previously there was compartments that kept us apart. I think the Bureau has developed good programs for flexible management of our range lands, coordinating closely with the private land owners and considering their problems. We have so many checkerboard situations that this again is a wise step.

Congress many decades ago set up our land grant programs to states by giving the states certain sections out of each township. This may have made sense in terms of equity and in terms of the ease of administering the land grant program, but in terms of land management, you know the problems that can arise with all of the various types of checkerboard situations created. You can do two things about this situation. You can work out the type of cooperative agreements we are talking about; and, even better, you can encourage the states to block up certain tracts and areas that are state lands that can be managed on a unified basis while we simultaneously block up our federal holdings. More and more I think this is going to be the answer-putting together land holdings, both federal and state, that will enable us to carry out meaningful long term management programs.

The soil conservation district cooperative program, the cooperative program with the private owners who have their range lands mixed in with federal land are fine programs but I think we need other steps too.

Also I think we are on the right track with our designation of these conservation areas where we can concentrate our main effort.

I have been critical in the past of the slowness of our whole approach to restoring the damaged lands in the western areas.

As land stewards, as people who ought to be concerned about seeing to it that our national lands are as productive as possible, all of us want to have these lands restored to full productivity at the earliest possible time. Obviously, this is a very big job and obviously it will cost a great deal of money. And this means that we have to have more support from Congress.

Unless some of us speak up on this we won't get increased support. One of the hopeful things on the horizon -- and it might be something that some of you will take an interest in -- is bringing into existence some

kind of new national conservation program, the Youth Conservation Corps, which has in effect been incorporated into the Poverty Program which President Johnson sent to the Congress yesterday.

This is perhaps the best hope for making a big new effort to lick some of the land restoration problems that have faced this Bureau, this Department, and the west in terms of our conservation effort.

We take a great deal of pride in this country, in the work of our soil conservation district. The fact is that we are a nation of soil savers, and we have done a tremendous job in that field. But the one area in my opinion that has been most neglected is the public lands.

We have helped farmers and ranchers work on their lands but the public lands have been in a second category and this has been an area of serious complaint.

I should like to say too, that this Department supports Congressman Aspinall's Public Land Law Review Commission Bill which passed the House by an overwhelming vote a week ago.

Certainly a broad scale review of this kind is long overdue. We have some overlapping laws and overlapping policies and obsolete laws, that it is obvious to all of us that the time has come to have a big look by a Commission which would have people representing all interests, all segments of opinion, to put our national land policy in much sharper focus.

It is, in effect, on second base and we hope that we can push it on around and bring it home as a major accomplishment in the public land field at this session of the Congress.

As to the report of the special advisory group submitted to the wildlife convention in Las Vegas which some of you attended last week (this is the report of the committee headed by Dr. Leopold, University of California). I know that this gets into a very controversial area. I would suggest first off, that all of you get the report and sit down carefully and quietly and read it, because I think that you will find the tone of the report is temperate and reasonable. There may be some conclusions in it that everbody here would disagree with. I don't think these gentlemen pretend to be all wise or all knowing, but I think you will find that the approach of the report not only is temperate but is an attempt to be scientific. I think that probably what we need more and more in this field is a professional type of thinking.

As far as I am concerned, I am going to do everthing I can -- Number 1, to see that everbody is heard; Number 2, to see to it that we keep the discussion on a reasonable, scientific, professional level if at all possible. It is obvious in many areas what we need are more facts and

it is obvious that if we are going to change policy we ought to do it selectively, and we ought to do it when we have the facts. So I hope you have some lively discussions about that here. I am sure you will.

Obviously, by the very composition of this five-man committee, these are men who have special qualifications. Some may feel that they don't represent a broad enough segment of opinion, but we are going to give the other segment of opinion a full opportunity to make its views known.

Again, as I indicated a moment ago, with the grazing fee matter, the best way for us to avoid a big controversy that can only cause damage to every one concerned; the best way for us to get the type of public opinion and interest aroused that will lead to a constructive solution is for us to take an approach to this matter that is reasonable -- as reasonable men, to argue everthing out, let everyone be heard, and try to implement our policies in such a way that we can get a maximum of support.

I think in terms of the Congress and of the country that there is more and more of a focus of interest in our public lands, not only interest in the mineral values or in outdoor recreation or in wildlife, but an interest in these lands as part of our public estate.

I want to mention another piece of legislation which is pending, and that is a multiple use bill. Congressman Aspinall and others in the House have shown interest in this legislation in the past. What we propose is something that will be quite similar to the bill that was passed covering the national forests just a few years ago. And here again, I think, is something that we need to have careful discussion of, which might help us a great deal in avoiding pointless controversy and in administering our land properly.

We come finally of course to the ultimate problem that we have -- all of us, those who use the lands, those who have the job of administering the land, and those members of the public who are occasional users of the lands. I would simply suggest that our over all approach should be to produce a result which will mean the greatest good for the greatest number. And if we say the greatest good for the greatest number we are not just talking about those who happen to be, in 1964, using these lands in various ways. It implies that we are taking a long view and that we are making it plain that our children and their children have just as much interest in the conservation of these lands as we do and therefore any plans we produce are plans geared to the long haul -- geared to the future. We want to leave them a land estate, whatever our interest is, that we can take pride in when we have finished our work.

I am delighted to be here with you this morning. I wish I could sit and participate with you in some of the discussions but I find my calendar is

too busy. I will hope to visit with some of you individually while you are here and hope to see all of you tomorrow morning at the award ceremony.

Thank you.

STATEMENT OF JOHN A. CARVER, JR.
ASSISTANT SECRETARY OF THE INTERIOR
Before the National Advisory Board Council
March 18, 1964

This meeting marks the beginning of the fourth year of our association -- the association of the National Advisory Board Council and the Secretarial level of this Department under the current administration. I know of no advisory board in all of government service which has made and which continues to make such solid contributions to the policy-evaluation and policy-formulation functions of a Department.

Each of us would make his own assessment of accomplishments, but at the top of any list prepared by me would be the achievement of the atmosphere of respect and understanding which prevails not only among the members of the Council, but between the members and the government officials, and between the groups which this council represents and the government.

We've not been superficial with the Council, and the Council has not been superficial with us. Hard, practical, politically-charged subjects have been on our agendas -- fees, the make-up of the Council itself and its proper role, legislation on numerous subjects affecting the public land, and the economics of public land conservation projects, and tenure.

Some of us have had to admit that we were wrong about some things. I attended the State Board meeting in Boise a few weeks ago, and heard one of the members say to me, "I opposed expanding this board, but I was wrong!" I could reply, "I did, too, and I was, too."

We've found common ground, almost from the beginning, with agreement on a couple of basic principles. One was that the users, too, are conservationists, and government and all the users, both public and private, have a common interest in the conservation of the land and its products. The other was that the Congress has provided that the public lands should furnish sustenance to various segments of the private economy, and that administration of such laws should take into account the reasonable requirements of private business, not inconsistent with the public interest.

Since November, 1962, you have had a Special Committee on Tenure. This is one of the tough kinds of questions which this Council takes on, and I'm proud that I suggested it originally -- and in the context of a public interest, the interest of encouraging the users of the public land to invest more of their own money in their rehabilitation and improvement.

A divided report of the committee is now in the Department. Understandably, both the majority and minority signers of that report want to know what the Department's position is.

It is a legitimate desire. I do not usually try to duck or delay such questions, but in today's situation, I want to counsel your further consideration of the matter. I'll tell you why.

The 88th Congress, I hope and predict, will authorize a Public Land Law Review Commission. The lop-sided vote with which the House of Representatives a week ago approved it indicates the momentum the idea now has.

Whatever we may mean when we use the word tenure, and there are numerous variations and shadings, there is no disagreement that a really fundamental issue is involved. If tenure is a central public land policy issue, then by definition it is going to have the attention of the Commission. If the question is going to be considered by the Commission, then it is a virtual certainty that it will not get legislative attention in advance of or apart from Commission consideration.

If you agree with this analysis, then what is the interest of this Council with respect to Departmental action on the recommendation which has been made?

Whether your sympathies are with the recommendations of the minority or the majority on the tenure question, I have the strong feeling that you are not going to be swayed from your present view by the simple act of Departmental concurrence. It is more likely, after such action, that the argument will shift from the dispassionate premise of what is good for the land to the passionate premise of what is good politics, or what is good for the livestockmen, or what is good for the wildlife interests, or the like.

I personally think there is a lot more ground to be plowed on the question of tenure -- I think that it is possible for a formula to be found that will command the support of a far wider spectrum of the groups represented on this board.

But whether I'm right in this assumption or not, I can predict that this Council <u>could</u> break up over the issue as it is presently framed. This is an expanded Council, and the expansion has been a giant stride forward in the public interest management of the public land -- but the expansion has not completely stabilized.

Tenure is a big enough and important enough issue to break up the Council -- it is the kind of issue that men will stand up and be counted over. If the resolution of the question demanded it, the price would be worth it.

It doesn't.

What this Council ought to be considering, even in advance of the question of tenure, is the question of its relationship to the Commission. The Commission surely will have to adopt some basic ground rules, if it is to find itself through the maze of public land laws to a recommendation for a rational national policy on public lands, to be legislated by the Congress, and rational and practical standards of administration, to be executed by the Executive Branch.

Interest groups will be heard, and interests legitimately concerned with the use or benefit of the public lands (both commercial and non-commercial), will be represented on the Commission's Council. This Council's concern is not with the question whether one point of view or another can get before the Commission, for all seriously-proposed points of view will be heard. This Council's concern is that its recommendations be received with the weight and dignity to which the amount and kind of consideration they've been given here entitle them.

The Council's recommendations will carry weight with the Commission to the extent that they are widely supported within the Council, and to the extent that their submittal to the Commission shows consideration and evaluation of the problem from the public interest point of view.

I happen to believe that a Public Land Law Review Commission must emancipate public land law administrators from the present bondage to concepts which do not match reality -- from the gossamer web of precedent and ritual.

The Taylor Act privileges are evidenced by written documents; they are for a ten-year term; and the permittee has an absolute preference right of renewal. Given maintenance of the base property and stability of the range, and continued conformance with regulations, these privileges have a value which baffles no one except the agency which is charged with their issuance. If the rancher wants to borrow money at the bank, his Taylor "rights" are not only good, but sometimes the only acceptable, collateral; if he sells his ranch, the buyer and he have no trouble reaching a meeting of the minds as to the values ascribable to them; if he dies, Uncle Sam and the State Inheritance Tax Examiner have no compunctions about valuing not only his renewable Taylor rights, but his cancellable Forest Service permits. Even the assessor knows what effect Taylor rights have on the value of a ranch.

These are the practicalities, against which we continue to insist that these "privileges" are not property.

The Public Land Law Review Commission in this, and in several other areas of public land law administration, will have the task of matching theory with reality, if the law is to cease, in Mr. Dooley's phrase, to be "a ass".

If there weren't to be a public land law review commission, then the legislative branch would have to take up the complexity of the tenure question in the first instance. Personally, I despair of this approach. I think the Congress is both able and willing to try, but I also strongly feel that the issue ought to be much better refined than it has been so far.

That is what I think the Council and its Committee ought to do more of -- refine the issue to see whether or not some common ground cannot be found.

As gentlemanly as both sides have been in the considerations on this subject so far, the feeling persists that the issue has been framed either affirmatively or negatively around the idea that the users are being "given" a property right, if tenure is to be recognized in the terms asked for by the majority. If this is so, then the tenure proposal has not a prayer.

Can the issue be framed on any different terms? I am one who thinks so, at least tentatively, and I certainly think the efforts ought to be made. It is my suggestion that further consideration be given to the question; that the Department not be asked to take a position at the present time; and that the Council devote its efforts to bringing a study on the subject to the newly created Public Land Law Review Commission which will set a standard for all the other groups and bodies which will be presenting issues to it over its life.

STATEMENT OF CHARLES H. STODDARD
DIRECTOR, BUREAU OF LAND MANAGEMENT
Before the National Advisory Board Council, March 18, 1964

More than four months have passed since our last meeting at Ontario, Oregon. We're now assembled about 3,000 miles from there. Now, four months can be an awfully long time in today's jet-speed world; such fields as medicine and space technology and the social sciences can be revolutionized overnight by a new discovery or a sudden development. For better or for worse, this is not true of our field--public land management. Time and distance have not resolved the basic problems we discussed at Ontario. No one has cut the Gordian knot. No, we're concerned primarily with human values, not technological skills, and the nature of our beast calls for step-by-step progress rather than huge leaps forward. I know that this meeting will move us another step ahead, and I welcome you to Washington.

Since Ontario, the whole field of conservation received a stunning set back in the tragic death of President Kennedy. It is a credit to our system of government that the reins have passed smoothly into President Johnson's hands, and that our work has progressed. There has been no moratorium of public land action since Ontario. On the contrary, it has been a period of great activity. The past few days, in fact, have seen two highly significant developments:

First, Acting Secretary of the Interior Carver has signed an order allowing users of Section 15 lands in Wyoming to be represented on Wyoming's Advisory Board. The order provides that one cattleman and one sheepman from the vast range lying within the Casper, Wyoming grazing district will be seated on the Board. I applaud this measure, and I think you will, too. More than 1,600 lessees use the 2½ million acres of that area; they are certainly entitled to a full voice in the administration of public lands in their State.

Mr. Carver has already mentioned the second action, but it bears so heavily on the future of the public domain that I want to comment on it here. H.R. 8070, the bill to establish a Public Land Law Review Commission, has been overwhelmingly approved by the House of Representatives. You may recall that I expressed BLM support for this bill last November. I said then that the commission could chart a badly needed course for the public lands, to prepare them for the rush of future needs. Let me reaffirm our position. If the bill passes the Senate, the commission would put the present laws governing the uses of the public lands under close scrutiny. It could arrange for basic staff studies in the field of natural resources administration. It could analyze our present laws against a backdrop of coming needs, and then recommend a course of legislative action to Congress.

As stewards of the public lands, our duty is to administer the laws. But there are many hundreds of public land laws, passed during a span of more than a century. Some appear to conflict with others. Many are so obsolete that Secretary Udall has described them as "horse and buggy statutes in a guided missile age."

Can there be any doubt that we must catch up to the realities of our times? While it's true, as I indicated, that no single law or action will solve the dilemmas inherent in public land management, new legislation could at least define our problems. Without it, our management mission will remain clouded. Do we act as a real estate agency like the old General Land Office, performing a caretaker function until all the land is transferred out of Federal ownership? Or do we embark on long range management programs with some assurance that the land will remain in Federal hands? Will we serve the public better as passive land custodians, or as active land managers?

As users of these lands representing varied interests, you gentlemen know how urgent it is that we find some concrete answers--and soon. It is certainly encouraging that Congress is helping us move toward solutions.

Legislation is of such great importance that we are devoting time on the agenda for its consideration. I will only summarize the legislative situation now, and leave Jerry O'Callaghan ample room for a detailed explanation later.

The Public Land Law Review Commission bill is just one part of a "Legislative package" proposed by Congressman Wayne Aspinall, Chairman of the House Interior and Insular Affairs Committee. Three additional parts are still pending before the House. They are:

H.R. 5498, a public sale bill which is designed to promote the orderly growth of communities in public land States. Under the provisions of this bill, the head of the local governing body would be notified 90 days in advance of the sale of nearby public lands. This period would allow for proper zoning to insure that urban and industrial development takes place in a desirable manner;

H.R. 8305, another part of the "package," would require that Congress be notified of any impending withdrawal or classification of 2,560 acres or more of public lands;

And finally, but perhaps most importantly, we have the long-awaited Multiple Use bills waiting in the wings. If passed, these bills would set forth that the public lands shall be managed for all of their present and possible future uses--livestock grazing, wildlife habitat, outdoor recreation, timber production, watersheds, and many other uses. They

would affirm by specific charter BLM's multiple-use principles. Incidentally, the House multiple-use bill, H.R. 5159, has been amended to include authorization to classify public lands for retention in Federal ownership. As you probably know, land at present can only be classified for various kinds of disposition. This would be an interim measure pending the outcome of the Commission's study.

After all the talk about multiple-use, the time has come to squarely face the question of whether it is just a slogan or whether it is a practicable system of land management. The fact is that people are already using the public lands for many purposes; it follows that the land should be managed, wherever possible, on multiple-use principles. The Forest Service has been practicing multiple-use for many years. BLM has also adopted it as a management philosophy, but meets some knotty problems in trying to employ it. The land we administer is the residual left from the land selections and withdrawals that have taken place over the years. We have a highly scattered and dispersed ownership pattern, and this has made it extremely difficult to take a systematic management approach.

Conventional wisdom has it that successful management takes place on an area with boundaries. You can name many such areas and put them on a map; you can develop management plans, put up signs on the boundaries, put a ranger in charge, etc. But BLM has the opposite situation. Our operations range from the most comprehensive management activities to the most rudimentary real estate programs. We have much intermingled Federal, State and private land. Most of our lands have no carefully drawn borders, no names, and uncertain stability of tenure as Federal lands. Under such conditions, long-range management programs are difficult at best.

And I don't have to dwell on how intense the pressure for use of this land is becoming. Let this one statistic suffice: One hundred years ago this country had about 31 million people and a billion acres of public land. We now have about six times as many people and about half as much public land. Simple logic tells us that as the ratio of land to people decreases, the value of the land will increase.

We realize, of course, that legitimate special uses will always be required of specific areas. But the real issue at stake is whether the lands shall be fragmented for them as single-use areas by the selection and withdrawal process under the old land laws, or whether they are to be properly classified for their best long-term uses and then managed accordingly. We must decide now. Unless a satisfactory adjustment is made between special purpose needs and multiple-use management, the opportunity for a real, effective resource management program on the public lands will have been lost.

Last November I told you that the Bureau was planning to conduct an inventory of its land to identify it for its highest potential uses. I'm happy to report that under specific instructions from Secretary Udall, this inventory and classification program is progressing rapidly. Let me review the three categories into which the land seems to fall:

First, there are the larger concentrations of land which lend themselves to intensive multiple-use management and are likely to remain in Federal ownership for the foreseeable future. Long-term management planning for resource development on these areas is not only practicable but absolutely necessary if we are to adhere to conservation principles. Long-term capital investments in such areas are needed to prevent losses and to increase resource yields in the future. In order to develop these areas, of course, good stability of tenure is a "must." More on that later.

Secondly, we have scattered lands which are intermingled with private and other public holdings and which will need special cooperative management because of their changing conditions, until an appropriate program can be determined.

Thirdly, there are the scattered and fragmented parcels which, in large part, are suitable for transfer to private or local government ownership in order to meet pressing social and economic needs. In this category are those public lands needed for expanding urban areas.

Contained in this inventory are the seeds of a genuine public land management program. We are, for example, developing a system of consultations with local governments on land classifications. Local governments are being encouraged, under this system, to develop plans that will enable them to acquire adjacent lands of the third category as expeditiously as possible. In dealing with the intermingled lands in rural areas, we are seeking to work in closer cooperation than ever before with other Federal agencies, local groups, and adjoining landowners.

One medium at the local level which can pull our Federal programs together into a team effort is the Soil Conservation District. We in BLM are continuing to work closely with these Districts, under many cooperative agreements, in implementing our programs at the local level. You'll recall that the Council resolved last November that we enter into such agreements; we heartily agree that this cooperation is vital to conservation where private lands are involved.

The main thrust of our management program, of course, will be toward developing the large land blocks of the first category. It is on these lands that our multiple-use concepts could be turned into full-scale working realities.

And let's not forget that multiple-use includes all possible compatible use, and that the non-commercial uses--such as recreation and wildlife--are reaching for their place in the sun. The Outdoor Recreation Resources Review Commission has clearly set forth what a monumental problem we face in meeting recreational demands. It has also shown that the public domain has a great potential for recreational development; but this potential has not as yet begun to be realized. The visitors come in ever-increasing numbers, but the facilities to accommodate them are almost completely lacking. Why? Because we have not as yet had the clear authority or the funds to provide accommodations. But lack of facilities does not mean a lack of recreationists; as a result, serious problems of erosion, litter, unsanitary conditions and water pollution have marred many scenic areas that have not been developed. This leaves us with a tremendous problem of protecting the public lands not only from traditional dangers, such as fire, but from the new blight of health hazards and associated conditions.

I'm pleased to say that a partial solution is in sight. The House Appropriations Committee has approved $700,000 for public land protection in our fiscal year 1965 budget. This is a first step in the appropriations cycle, but it is a large one toward meeting our responsibilities.

Wildlife is part and parcel of our general land management concern. Without delving into the subject in detail, I want to point out that we need to become more precise on the allocation of AUM's for wildlife, both to avoid conflicts with livestock and to avert overuse by both livestock and big game. By consciously providing for wildlife as part of a multiple-use program, we avoid further pressures for single use wildlife purposes.

Another related problem is that of predator control. In this area our activities have thus far been limited to cooperating with the control programs of the Bureau of Sport Fisheries and Wildlife, and to financial contributions to several State programs through the State Advisory Board funds. The recent report to the Secretary on predator control suggests that the present program be revised from one of wholesale control to selective control. This could not only save the government money, but could also prevent an imbalance in the rodent populations that can become so damaging to range resources.

The point I want to make is this: We believe that there can and should be full integration of all public land uses. We do not feel that continuation of the withdrawal process for special single purposes will enable us to manage effectively the public lands for all the products and services expected by the American public. As for those lands already withdrawn, we are seeking to develop a program to coordinate their management more effectively with that of the surrounding general public domain. Let me stress that under wise management, the various land uses can be made to complement one another for the common good.

"All roads lead to Rome," goes the old saying. Well, no matter where a discussion of public land management begins, it seems to inevitably run head-on into one overriding question--tenure. We can theorize all day about the needs and benefits of multiple-use management, we can formulate the wisest plans imaginable, and it all amounts to pipe-dreaming unless we can be reasonably sure of retaining our good-sized management areas. I won't belabor this point. Mr. Carver has covered it well. Let me just emphasize that the future of the public domain will be determined to a large extent by what happens to pending legislation--notably H.R. 8070.

If and when the Aspinall Commission comes into being, it will be very much involved in questions of which lands should be transferred into other hands and which retained in Federal ownership. It seems to me that the Commission will provide the proper forum for the tenure discussions; it will want to consider comments, suggestions and recommendations from all interested parties. And on those lands designated for retention, of course, our basic tenure problems will be resolved. I'm confident that our classification program will be a great help to the Commission in making its determinations.

And with our land patterns in a stable condition, we can confidently forge ahead on long-range management programs. It is only through secure tenure that we can make our programs flexible enough to meet our needs; and flexibility--a genuine multiple-use approach--is our best assurance of gaining such tenure.

And where tenure is achieved, we can work cooperatively to improve the range for the benefit of all.

Much of my talk today has centered on the urgency of preparing the public lands for the future. But what about the agency that administers these lands? If we were able to launch an effective management program, would our present organization be able to handle the job to its fullest capacity? The answer--and if this surprises you, it's intentional--is no! Several months ago we came to realize that certain parts of the Bureau's organizational structure would have to be revamped for smoother functioning. We engaged Dr. George A. Shipman of the Institute for Administrative Research, University of Washington, to review our organization and recommend whatever changes he felt were needed. Dr. Shipman has now completed his analysis. We are carefully reviewing his proposals, and will soon make our recommendations to the Department concerning them. And so, the thrust of our program may indicate some organizational shuffling. It would be premature, and out of place here, to go into the details of our findings, but I can tell you this: Dr. Shipman has pinpointed the Bureau's need to build its organization around its prospective goals. Let me quote from his report:

"To live responsibly and effectively in its environment, the Bureau must clarify its mission and goals and then develop a basic administrative and organizational design that will enable it to come to its full maturity..."

Certainly "full maturity" is also the aim of proposals to reorganize this Council.

Just as BLM should be organized around its programs, the Council's structure should be consistent with its role. And what is that role? Our panel at Ontario spent half a day debating that question. If it's possible to summarize the opinions expressed then without doing the panelists an injustice, we might conclude that NABC's role is to advise the Federal government as to how the public lands might best be managed for the benefit of the American public. This implies--justifiably, I think--that the Council should render advice as a collective body, not as a spate of individual opinions; it should represent broad principles, not specific interests. In other words, it should give us a users'-eye view of the whole public land picture, giving consideration to the same spectrum of problems that the Department of the Interior must face in its management responsibilities.

It was toward this end that the Council was expanded in December, 1961, to include members representing interests other than livestock and wildlife.

We're now embarked on another form of reorganization--the establishment of standing committees. Certainly the committees should reflect the multiple-use structure of the Council itself; and this means--I firmly believe--that they should be organized in accordance with public land programs and policies, rather than by specialized interests and functions. We tried to adhere to this philosophy in the committee recommendations we sent to Secretary Udall. The Secretary has authorized us to proceed with full-scale discussions to finally establish our standing committees. This, of course, heads our order to remind you that tomorrow morning's sessions will be devoted to the establishment and staffing of these committees and the determination of their operations within the council.

Just a word now regarding District Advisory Boards. I believe that most of you would like to have three-year memberships on these boards reinstituted, and we are trying to get this accomplished. We're proposing that members be reappointed for two consecutive years following their initial elections, which will again give them three-year tenures on the boards.

I opened these remarks with a comment that we seem fated to slow, methodical progress no matter how fast the world around us revolves. Let me close on the same theme. Public land management--indeed, the whole

field of resource conservation--is a child of this century; but the traditions of land use go back to the days of first settlement. We have to respect those traditions, while at the same time recognizing the changing conditions of the land. With your help and counsel, we'll preserve the public land heritage by adapting it to the needs of the future. Ontario was one firm step in this direction, and this meeting, I'm sure, will be another.

STATEMENT OF JERRY A. O'CALLAGHAN
ASSISTANT DIRECTOR, BUREAU OF LAND MANAGEMENT
Before the National Advisory Board Council, March 18, 1964

LEGISLATIVE REPORT

Mr. Stoddard, Members of the Council, Visitors, in the interest of time I will waive the introduction unless there is a unanimous demand for it and get right to cases here.

The first bill that I would like to discuss is H. R. 8070, to create a Public Land Law Review Commission.

It passed the House last Tuesday, as you know. You have a copy of it before you.

I will just hit the salient features of the Bill.

In the first Section, which is a Declaration of Policy, the Bill states "It is hereby declared to be the policy of Congress that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public.

"Section 2. Declaration of Purpose. Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because those laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and the rules and regulations promulgated thereunder and to determine whether and to what extent revisions thereof are necessary."

The composition of the Commission: it is to have 19 members to be composed of three majority and three minority members of the Senate Committee on Interior and Insular Affairs and three majority and three minority members of the House Committee on Interior and Insular Affairs.

Let me pause here to say that in the debate last Tuesday the most important factor that emerged, at least in my judgment, was the bi-partisan support for the Bill. Mr. Aspinall, the Bill's author and Chairman of the Committee represented the majority, but there was a full scale and I would say very effective support from the ranking minority member, and I think the tangible result was the vote that we saw.

Both men emphasized the bi-partisanship aspect of the Commission as it is going to be reflected in the Congressional members. Throughout the debate, a very strong suggestion was made on the same point with respect to what the President might do with the appointment of the six persons who are going to come from public life.

That makes 18, the 18 are going to elect a chairman. It is contemplated that the chairmanship will be a full-time job.

Skipping over some of the housekeeping provisions, in Section 4, "Duties of the Commission. (a) The Commission shall (i) study existing statutes and regulations governing the retention, management, and disposition of the public lands; (ii) review the policies and practices of the Federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands; (iii) compile data necessary to understand and determine the various demands on the public lands which now exist and which are likely to exist within the foreseeable future; and (iv) recommend such modifications in existing laws, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy set forth in section 1 of this Act.

"(b) The Commission shall, not later than December 31, 1967, submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report or on June 30, 1968, whichever is earlier. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States."

You will notice that the Commission expires, or rather the report is due on December 31, 1967.

Departmental liaison officers, appointed by their agencies, will become part of an advisory council which will be composed of 25 additional members appointed by the Commission representing the various major citizen groups interested in public land management.

Then you get a recitation there of the various groups.

You will notice also in Section 7 that the Chairman of the Commission shall invite the Governor of each State to designate a representative to work closely with the Commission and with the staff and with the council.

There is a $4 million appropriation listed. The very last section has the definition of public lands. It includes the public domain of the United States, the reservations other than the Indian reservations created from that public domain, lands permanently or temporarily withdrawn, reserved or withheld from private appropriation and disposal

under the public land laws, including the mining laws, and, we get pretty technical here, -- the outstanding interests of the U. S. in lands patented, conveyed in fee or otherwise, under the public land laws. That means such things as retained mineral interests, as the most practical example of that item.

"The national forests and the surface and subsurface resources of all such lands, including the disposition or restriction on disposition of the mineral resources in lands defined by appropriate statute, treaty or judicial determination as being under the control of the United States in the Outer Continental Shelf."

A good deal has been said this morning about this Bill as a landmark in public management and I certainly don't want to insult your intelligence by reiterating the obvious. H. R. 8070 is part of a package.

There are three other bills which the Committee on Interior and Insular Affairs has ordered reported to the House of Representatives; they will be reported very possibly this week. They will be due to expire on the date that the Commission's report is due. This was legislation that the House Committee felt should be enacted, notwithstanding the contemplated creation of this Commission.

I have two of these bills here. They are the mimeographed bills which you have. The language is as the House Committee ordered reported.

The printing is not available on them yet and won't be until they are actually reported to the House.

The first one I would like to run through is H. R. 5498, To promote the sale and beneficial use of public lands as ordered reported by Committee on Interior and Insular Affairs.

The Committee has worked its will on one of the Departmental bills that went up just about this time last year. With time being what it is, I won't make a comparison between what the Department recommended and what the Committee devised, but as you see here, this is legislation that provides that, in addition to any other authority he may have, the Secretary of the Interior is authorized and directed to dispose of public lands that have been classified for disposal in accordance with a determination that the lands are required for the orderly growth and development of a community or the lands are chiefly valuable for residential, commercial, industrial or public uses or development.

Thereafter most of the bill is procedural.

I think you will notice that there are two provisions for notifying the local units of government in order that they may be apprised and given an opportunity to zone for the use of the land in accordance with local planning and development.

There is provision for notice for the classifications and so on to go into effect.

That is the main feature of it.

You will notice that it is temporary legislation that is going to expire on June 30, 1968.

The multiple use bill, H. R. 5159 -- The Committee altered this not so much by changing the multiple use parts but by writing in a classification system or classification features so that it is a little more in this temporary form -- it is little more than a multiple use bill.

The first provision of it as the House Committee would have it,

"The Secretary of the Interior shall develop and promulgate regulations containing criteria by which he will determine which of the public lands and other Federal lands, including those situated in the State of Alaska exclusively administered by him through the Bureau of Land Management shall be (1) disposed of because they are (a) required for the orderly growth and development of a community or (2) are chiefly valuable for residential, commercial, industrial, or public use or development, or (b) retained, at least during this period, in Federal ownership and managed for (1) domestic livestock grazing, (2) fish and wildlife development and utilization, (3) industrial development, (4) mineral production, (5) occupancy, (6) outdoor industrial development, recreation, (7) timber production, (8) watershed protection, (9) wilderness preservation, or (10) preservation of public values that would be lost if the land passed from Federal ownership."

As part of the review, the Secretary is charged with conducting, "The Secretary of the Interior shall, as soon as possible, review the public lands as defined herein, in the light of the criteria contained in the regulations issued with this section to determine which lands shall be classified as suitable for disposal and which lands he considers to contain such values as to make them more suitable for retention in Federal ownership for interim management under the principles enunciated in this Section."

There is a procedural requirement of notice and that sort of thing.

I read the heart of the bill actually.

If the Committee should report these bills either today or tomorrow, there is just a possibility that we can have printed bill and report before you leave town. I will be alert to that opportunity if the reports are made.

There is another bill which I didn't have fixed up for you, partly because the amendments were such that it would be kind of difficult to reproduce. They just amended the various places in the bill rather than a substitute bill. I don't think it makes a great deal of difference. This is kind of an internal executive-legislative housekeeping matter. I just went ahead and assumed you won't have to get command of the detail in this bill. It is H. R. 8305, which puts a requirement on the Secretary of the Interior and the Secretary of Agriculture that before any classification, any change of classification, any withdrawal, proposed withdrawal or any change of designation which would work toward limiting the availability of land, before any of these actions could take place, the respective Secretary, in case of the Secretary of the Interior, it is involving more than 2,560 acres, and in the case of the Secretary of Agriculture, it is 5,000 acres, before any of these various administrators determines that -- could take their full effect.

The President of the Senate and Speaker of the House would have to be notified and notification would be for 60 days.

There is some clarification of the language here on what this involves. But generally speaking, it involves withdrawals where there would be some sort of restriction of uses or classifications and a whole list of them here as it was amended.

I don't think it has to be gone into at this moment with the time element that we have here.

I am through this rather quickly, but I hope, meaningful analysis of these very important bills.

REPORT OF E. I. ROWLAND
State Director, Montana, Bureau of Land Management
To the National Advisory Board Council
March 18, 1964

FLEXIBLE PASTURE MANAGEMENT

Part I

In Montana we're looking toward a new method of licensing range use. This would be based on range condition, on trend, on proper use as indicated by key species and on forage potential. In our situation, this seems better than licensing based on stereotyped procedures. District range men are at work now on plan-agreements with certain Montana range users.

As part of the trial, we'll authorize use of some allotments on terms of pasture management plans. These plans will be written up in the form of agreements. They will give the range user a good deal of flexibility at his own discretion. The agreement will replace the rigid license or permit which calls for an exact number of livestock within specific seasons of use and tied to a fixed percentage of Federal range -- in other words, all those stereotyped measurements which result in a specific amount of AUM's of use on the Federal range involved.

We have come to believe that in an increasing number of cases the old rigid system is no longer adequate. Some Montana range users appear to feel the same way. They haven't paid much attention to the limitations of licenses or permits and yet their ranges are in good condition. A range in good condition on the Northern Great Plains of Montana is indeed a beautiful sight, as I hope to show you in a few minutes.

But first, what prompts us to depart from precedent? First, about 80 percent of Montana's range users have individual allotments. In a few years this will be about 95 percent. Secondly, there are significant portions of non-Federal lands in many allotments -- usually from 40 to 70 percent. Climatic fluctuations further complicate a rigid licensing system. Our range country is blessed with 12 to 15 inches of precipitation a year. But we do get severe droughts and much of the precipitation comes during the nongrowing season. When Montana gets above normal to heavy spring rains, no other State can grow grass like that which grows in Montana's Federal ranges -- but this occurs only every three to four years.

Through the years, Montana ranges have become characterized by outside allotment fences and a minimum amount of livestock water. This has been accomplished by initiative of the range user and provisions of the Taylor Grazing Act. In other words, the passage of time has

brought a substantial degree of stability. Yet is this enough? Too often our Montana allotments are sod-bound. They are deteriorating or static and much below their potential production of ground cover and forage for livestock and wildlife.

To answer our own question, no. We obviously don't think such a situation is good enough. We feel BLM should show some leadership and do something about it. At the same time, because we are dealing with a specific, apportioned range area set up on an exclusive basis, the range user himself must be the "prime mover." Likely as not, a sizable amount of non-Federal land is owned or controlled by this man. Therefore, his complete cooperation and effort as the practicing conservationist is mandatory.

Our approach to pasture management and development is based on two long-established and fundamental principles for range management on the Northern Great Plains.

1. An increase in native forage production and ultimate livestock use of forage can be obtained by fencing and cross-fencing of pastures and organizing livestock use on a simple seasonal rotation of pastures or through a deferred-rotational system; and

2. Cattle weight gain and range conditions can be kept at higher levels by moderate grazing as compared to heavy grazing.

Livestock control and reseeding or other land treatment may be called for in flexible pasture management. Such treatment is not a panacea-type substitute for proper management of native Northern Great Plains ranges. Also, the cost of such development may be impractical when compared with the alternative of moderate grazing use which provides deferment of a pasture during the growing season every third or fourth year.

We have worked up an example flexible pasture management plan. It is based in part on an actual ranch operation which uses the management principles we stressed. This ranch is not typical but the ideas being demonstrated are applicable in many instances. This rancher is leading the way.

This central Montana ranch has average precipitation of 14 inches and about 135 frost-free days. It produces an excellent quality and quantity of livestock forage through a system of intensive, closely supervised pasture use. Stocking levels can be maintained at about 500 cattle and 3500 sheep despite fluctuations in weather and climate. The basic ranch operation is production of calves and lambs. All pastures are fenced sheep-tight.

Before we review the actual pasture management plan, I would like to go through these slides with you to give you some idea of the ranch operations and the range resource.

Ranch Unit Statistics

Private lands owned - - - - - - - - -	19,135 acres grazing land	
	735 acres in intensive hay production	
Total private - - - - - - - - - - -		19,870 acres
State and private grazing leases -	4,570 acres	4,570 acres
Federal range (LU) - - - - - - - - -	6,480 acres	6,480 acres
Federal range (P.D.) - - - - - - - -	4,960 acres	4,960 acres
Total all lands - - - - -		35,880 acres

BLM Library
Denver Federal Center
Bldg. 85, OC-521
P.O. Box 25047
Denver, CO 80225

Part III
Example Only

MANAGEMENT PLAN AGREEMENT

1. Agreement and Understanding

I, the undersigned, user of Federal range in Montana Grazing District No. 6 hereby agree to and accept this allotment management plan agreement, which I understand will be incorporated in ten-year permit to be issued July 1, 1964. (See Attachment 1.) Commencement date of this agreement will be April 1, 1965. I understand that the grazing privileges so authorized herein are subject to all provisions of the Federal Range Code for Grazing Districts (43 CFR 161), and all subsequent amendments thereto. I further understand and agree that:

(a) The grazing capacity specified on ten-year permit dated July 1, 1964 is considered to be adequate for the authorized livestock under normal fluctuations in climatic conditions. It is understood and agreed that during periods of range depletion due to drought or other natural causes, reductions in numbers of livestock or period of time of range use or both may be directed in order to comply with requirements of 43 CFR 161.6(e)(3) and (5).

(b) Additional grazing use in excess of maximum numbers of livestock and maximum period of use designated on ten-year permit dated July 1, 1964 may be granted during any year when forage conditions warrant. Such use may be authorized by temporary nonrenewable license upon application and after reference to the advisory board.

2. Grazing System

A combination simple rotational and partial deferred-rotational system is established within 23 separate pasture units. (See Attachment 2.) Optimum use of the range land area provides for about 500 cattle and 3500 sheep. Spring grazing by both classes of livestock generally takes place between April 1 and June 30 on certain designated pastures listed in Item 3. Summer and fall grazing subsequently takes place by both classes of livestock on other listed pastures between the period of July 1 through November 15. Special situations have envolved as follows:

(a) Pastures 1, 3 and 4 are all cropland and pastures 2, 5, 9, 10, 11, 13 and 17 do not contain any Federal range. These pastures have been included in the management plan since

they are an inseparable part of the whole grazing program. Federal range in pastures 0 and 16 have been classified for title exchange for private lands in pastures 6 and 7.

(b) Range users' experience has shown that the most suitable lambing range is located in pastures 0, 2 and 5; and calving range in pastures 8, 9, 10 and 11. Spring rotational use should be made of these pastures with close inspection regarding utilization because of the concentrated nature of lambing and calving operations.

(c) Pastures 13, 16 and 17 are most suitable for winter use, although some use is made in the fall to support the total system when normal fall pastures provide less forage than required under proper use.

3. Grazing Schedule

A schedule of optimum grazing operations is as follows:

Schedule

I. Spring - April 1 through June 30

A. Cattle

	1st Yr.	2nd Yr.	3rd Yr.	4th Yr.
Holding - calving	8-9	10-11	8-9	10-11
Turn out	10-11	8-9	10-11	8-9
Late Spring	15	18	12	18

B. Sheep

Holding - Lambing	0-2	5	0-2	5
Turn out	5	0-2	5	0-2
Late spring	12	19	15-18	12

II. Summer - Fall - July 1 through November 15

A. Cattle

July 1 - Sept. 15	6-7-14	22-23	6-7-14	21-22
Sept. 16 - Nov. 15	19	20-15	19	14-23

B. Sheep

July 1 - Aug. 30	20-21	12-14	20-21	15-19
Sept. 1 - Nov. 15	18-22-23	6-7-13-21	16-22-23	6-7-17-20

This schedule or grazing system may be modified by the permittee within the limits prescribed for maximum livestock numbers and

maximum period of use for the total allotment without application to the district manager. Such authorization is granted in accordance with 43 CFR 161.6(b)(2).

4. Proper Use Specifications

The attached specifications will be used as a guide for determinations of proper use compliance. A rating of "full" use or less is designated as maximum utilization for this allotment. Moderate utilization is designated as optimum on a long-term basis. Overused areas will not exceed ten percent of the allotment area. (See Attachment 3.)

5. Range Development and Conservation Practices

No additional fences, livestock waters or cattle guards are deemed necessary at the time of consummation of this agreement. Normal maintenance on improvements of record are the responsibility of the permittee. Unusual maintenance needs or reconstruction requirements are to be reviewed with the district manager for possible BLM assistance.

6. Livestock Waters

Ten earth reservoirs, six developed springs and three wells constructed on this allotment as located on the attached map are currently in good condition and servicing livestock to full capacity. Two additional stockwaters may be required on the Federal range to complete the desired distribution of livestock, especially when the pastures are used during late summer and fall. These locations are as follows:

T. 11 N., R. 24 E., Section 6 - Pasture 6
Section 21 - Pasture 15

Cooperation in financing these projects will be in accordance with BLM policy.

It is agreed that should stockwater become limited, the past practices of using portable water troughs and hauling water be continued. This practice has been proven feasible for this operation. Other arrangements may also be made that will provide adequate stockwater. Therefore, lack of water will not be a valid reason for overuse of the allotment with respect to the proper use specifications attached.

7. Salting Practices

Salting stations are to be at least one-half mile from permanent

stockwaters. Salting stations are to be moved each year and be at least 500 yards distant from the station of any previous year.

8. Actual Use Records

Actual use records by number of animals over six months of age and the dates of entry and removal for each pasture will be kept by the permittee on forms supplied by the district manager. A sample copy is attached. (See Attachment 4.)

9. Compliance Inspection

An annual compliance inspection will be undertaken each fall at or near the end of the growing season by the district manager or his representative. The permittee will participate in this inspection if at all possible.

10. Cancellation and Modification of Agreement

This agreement may be cancelled in accordance with the pertinent provisions of the Federal Range Code for Grazing Districts and your term permit. Modifications may be made to this agreement when reduced to writing and approved by the district manager. The district manager may cancel this agreement at the request of the permittee subsequent to 30 days prior notice by the permittee. Grazing privileges authorized subsequent to any cancellation action will be granted in accordance with the Federal Range Code for Grazing Districts and alternative BLM procedures.

John H. Smith	6/23/64	William Green	6/27/64
Permittee	Date	Chairman, District Advisory Board	Date

I. W. Goodpasture	6/27/64
District Manager	Date

Attachment 1

orm 4–1096
November 1963)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

TERM GRAZING PERMIT
Act of June 28, 1934 (48 Stat. 1269), as amended

State	Montana
Grazing District	Lewistown, M-6
Date	July 1, 1964
TERM OF PERMIT	
PERMIT CONDITIONS ON REVERSE	From July 1, 1964 — To June 30, 1974

Name of Permittee	Address *(Include zip code)*
John H. Smith	Route 5, Harlowton, Montana

YOU ARE HEREBY AUTHORIZED to graze on the Federal range in the *(allotment or unit)* in the above State and Grazing District, the number and class of livestock indicated herein for the periods and within the area described below, which is the equivalent of animal-unit months of feed. All livestock, six months of age or over, will be counted as a part of the total number of livestock allowed under this permit and fees will be charged accordingly.

500 cattle : April 1 to November 15 - Smith Allotment - 2550 AUM's -
3500 sheep : In accordance with attached Allotment Management Plan Agreement

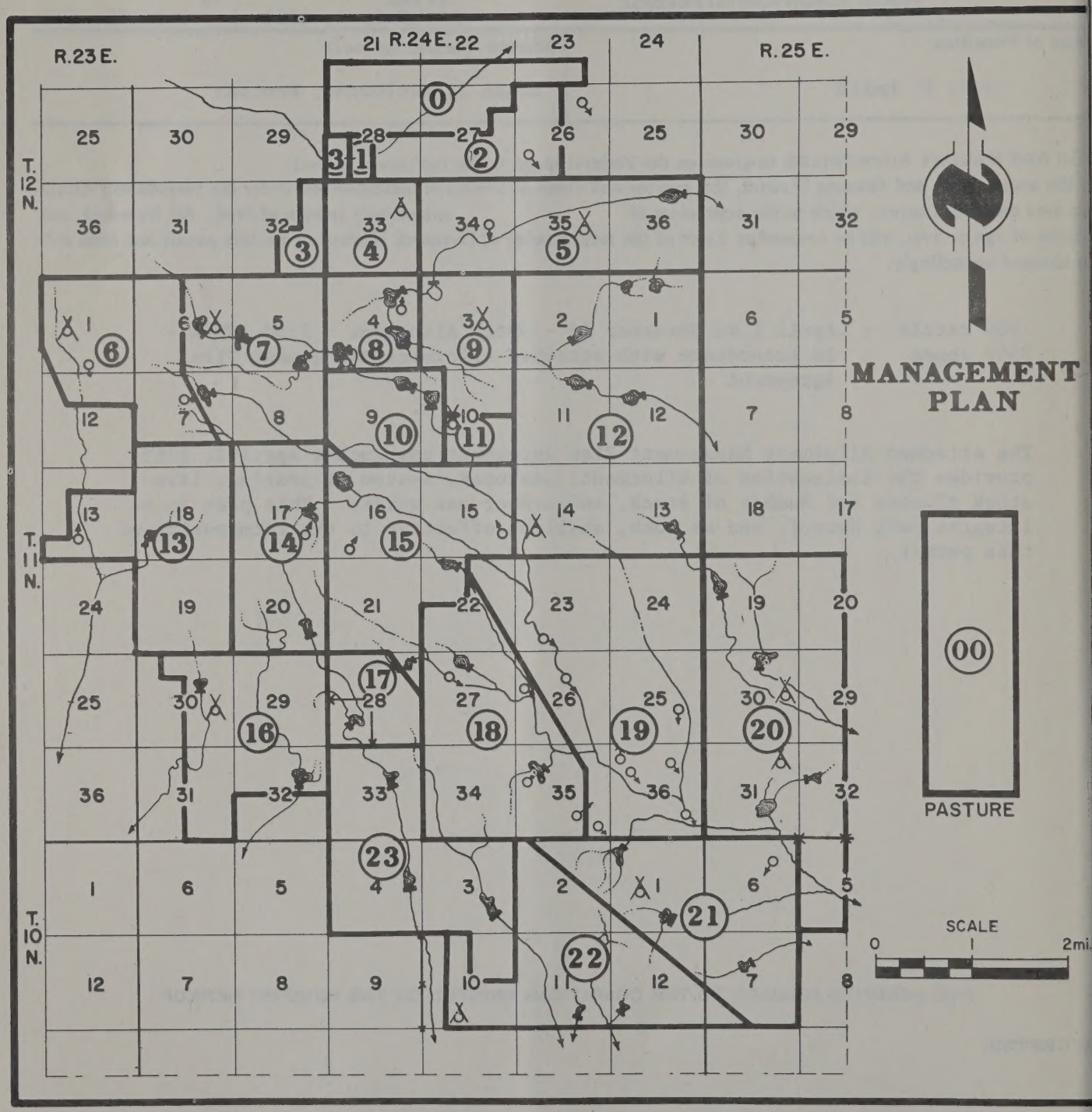
The attached Allotment Management Plan Agreement commencing April 1, 1965, provides the designation of allotment, pastures, system of grazing, livestock classes and number of stock, and proper use guides. This plan is an integral part hereof, and as such, shall be effective to the termination of this permit.

THIS PERMIT IS SUBJECT TO THE CONDITIONS PRINTED ON THE REVERSE HEREOF

ACCEPTED:

John H. Smith	I. W. Goodpasture
(Signature of Permittee)	(Signature of District Manager)

Attachment 2



Attachment 3

PROPER USE SPECIFICATIONS

Proper range use will be determined by visual estimate of grazing use in the allotment using the following guide:

Guide to Proper Range Use

Use Rating	Description
Unused	No livestock use
Slight	Practically undisturbed. Only choice areas and choice forage grazed.
Moderate	Most of the range is grazed. Little or no use of poor forage. Little trailing to grazing.
Full	All fully accessible areas are grazed. The major sites have key forage species properly utilized.
Close	All accessible range plainly shows use and major sections are closely cropped. The range has a "swept-clean" look. Livestock forced to use much poor forage.
Severe	Key forage species almost completely used. Low-value forage carrying grazing load. Trampling damage is widespread in accessible areas.
Extreme	Range appears stripped of vegetation. Key forage species are weak from continued grazing of regrowth. Poor quality forage closely grazed. Livestock trail great distances for forage.

Utilization will be estimated for each unit on the basis of the available and accessible forage within the boundaries of the unit. Key forage species and proper utilization of them is specified as follows:

Key Forage Species	Begin Grazing		End Grazing	Desirable Min. Stubble or Regrowth by Killing Frost
	Minimum Height - Inches	Approx. Date	Minimum Stubble Height	
Western Wheat Grass	5 - 6	4/15	2 - 3	4
Needle & Thread Grass	4 - 6	4/15	2 - 3	4

A rating of "Full" use or less for a native pasture will be maximum range use. Overused areas will not exceed ten percent of the total allotment area.

The degree of use shall be determined in the fall at or near the end of the growing season.

Proper use of the key forage species will be not more than half of the annual growth of the species except for late fall pasturing when plants are grazed only during plant dormancy. In these late fall situations, up to three-fourths of the annual growth of the key forage species may be grazed.

Temporary cages or exclosures may be used to assist technicians and permittee to develop an accurate concept of proper range use by species for the unit. Utilization for the whole unit, however, will be estimated with the Guide to Proper Range Use.

Attachment 4

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

ACTUAL USE RECORD _____ C.Y.

State _____
District _____
RMA _____
Unit _____
Allotment _____
Other _____

_____ RANCH GRAZING MANAGEMENT PLAN

COOPERATOR _____

Pasture No.	Estimate Carrying Capacity AUM's	Estimate Pasture Condition *1	Class Livestock C. S or H	Number	Season of Use	Turn out Date	Take off Date	AUM's Used	% Utilization at end of Season *2

*1 E - Excellent
G - Good
F - Fair
P - Poor

*2 L - Light 0-25%
M or F - Moderate - Full 25-50%
C - Close 50-75%
S or E - Severe - Extreme 75-%

(Remarks use back)

_____ (Range User)

_____ Date

Part IV

Criteria for Determining Implementation of Flexible Pasture Management under an Allotment Management Plan Agreement

There has been considerable inquiry from range users and other interests concerning our implemintation of range use authorizations based on the foregoing system. Some ranchers are most impatient to get started and want to cooperate immediately. A relative few range users are disappointed when they realize the details of the program. Somehow or another these latter few obtained the idea that BLM was going to "turn them loose to do as they saw fit on the Federal range." It should be clear that this is not BLM's intention. Our responsibilities will be upheld.

We will implement our program slowly and carefully. Our program will be "on trial" at first in the whole community; therefore, cooperators must be thoroughly familiar with the objectives of the program and willing to assist in some record keeping and investment of time. It is equally obvious that BLM technicians will be required to make an intensive range resource and allotment analysis prior to approaching the range user. This data must be of adequate quality and accuracy to convince the range user of the soundness of a new approach. This kind of Bureau effort will use considerable manpower and funds as the program expands.

Other minimum guidelines would seem to be:

1. A stabilized range allotment situation exists generally presuming that adjudication of base properties and Federal range grazing privileges is completed.

2. The range user's area of Federal range use is a fenced individual allotment.

3. The allotment is fenced in such a manner or cross-fenced to the extent that a practical livestock operation requires flexibility in seasons and areas of use within the allotment due to climatic fluctuations and annual forage production differences.

4. Range condition and trend records indicate the range is in at least fair condition and that trend in condition is improving or at least static in instances of good or excellent range condition.

5. The land management history of the applicant indicates he is a highly satisfactory range manager from a conservation standpoint and has demonstrated a willingness to cooperate.

In conclusion, we feel this new concept in Bureau management will allow range users more flexibility in managing their ranches. The new approach will delegate more responsibility to the range user. It is designed to be an incentive for all range users to practice more intensive and better range land management.

STATEMENT OF EUGENE V. ZUMWALT
ASSISTANT DIRECTOR, BUREAU OF LAND MANAGEMENT
Before the National Advisory Board Council, March 18, 1964

PROTECTION OF PUBLIC LANDS

The public lands and their natural resources have contributed greatly to the growth and prosperity of our Nation and will continue to do so if properly managed.

It is the objective of this Bureau to do just that, taking into consideration all of the pressures for the different kinds of use.

On any well managed property, the first consideration is its protection. To develop and administer the public lands, they must be adequately protected from fire, insects, disease, and the depredations of man.

Today I want to talk primarily about fire protection. Over the years, private and public timber owners have made major strides in providing protection to forest lands. The Clarke-McNary Act and numerous State acts paved the way. Today we find approximately 775 million acres under organized fire protection, but it is principally forest land.

The foresters of the Nation have done a tremendous job and have accomplished what many thought the impossible. Not until recent years has much thought been given to the protection of rural, range and watershed lands, and I believe we are all well aware of what has happened.

A dramatic example of erosion and water pollution caused by fire was the Bel Aire fire in Los Angeles County three years ago when thousands of tons of topsoil were washed into the city streets and the Los Angeles River by fall rains as a direct result of the removal by fire of the ground cover. It was noted in yesterday's paper that a similar disaster is occurring this week.

The Oberbillig fire in 1959 in the Boise, Idaho, watershed is another example where terrific erosion took place shortly after the fire and much topsoil was lost. Federal and State agencies spent many thousands of dollars in rehabilitation by terracing and reseeding.

Loss by fire no longer can be measured only in terms of timber or forage destroyed. Under multiple use management, losses must also be assessed in terms of damage to the site, injury to the watershed through destruction of vegetal cover and acceleration of runoff, impairment of the fish and wildlife habitat and reduction of recreation and scenic values.

BLM provides fire protection on approximately 403 million acres by either force account or contract. Force account protection is provided entirely

through the use of fire protection forces and facilities supervised and operated by the Bureau of Land Management. Contract protection is provided by organizations other than the Bureau of Land Management at an established rate-per-acre on lands administered by the Bureau but located adjacent to or intermingled with lands protected and owned by another agency or organization that can provide protection in conjunction with the protection of its own lands.

The Bureau maintains a fire control organization for force account and for the administration of contracts in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and Alaska.

The approximate protection cost per acre by area and type for Calendar Year 1963 was:

Force Account, Alaska	- 1¢ P/A on about 220 million acres
Force Account, Western States	- 1-1/10¢ P/A on about 177 million acres
Contract, Western States	- 26¢ P/A on about 6 million acres

The total protection cost was $6,260,000, giving an average of less than 1-1/2¢ per acre. Contract costs vary considerably with the protection agency and the type of resource being protected and run from 4¢ to 36¢ per acre.

Despite the emphasis put on fire prevention programs, man continues to be one of the major causes of fire. Forty-eight percent of last year's fires were caused by man. Prevention programs must be increased in line with population trends and land use if this figure is to be kept in line.

The authority for suppression of fires by the Bureau requires that control action be taken on all fires on public lands and other fires which are threatening the public lands. One of the major difficulties the Bureau faces in providing protection is that in many areas of the Western States, it has management jurisdiction over only a small percentage of the land, but is forced to take fire action on private lands due to the intermingled ownership pattern. Only in California and Alaska is organized fire protection furnished to all State and private lands. Excluding Alaska, there are approximately 181 million acres of Bureau administered lands in the West receiving organized fire protection. Intermingled are some 50-60 million acres of private land for which no organized fire protection is furnished.

Last year the Bureau took fire control action on 1,437 fires; 458 or 32 percent of these fires were on private land. The total acreage burned on all lands was 327,593 acres of which 133,354 acres or 40% were private. The Bureau's total fire suppression cost was $2,376,000. On the assumption that 40% of the suppression action represents 40% of suppression costs, it appears approximately one million dollars was spent on the suppression of fires on private lands.

On many of these intermingled areas, owners refuse to cooperate or pay their prorata share because they feel present property taxes are too high and they do not feel they should have to pay for fire protection in addition. They believe the Federal Government should provide fire protection. Many of these areas have very little timber but are important watersheds and are becoming more important each year as increased emphasis is placed on outdoor recreation and multiple use. Many State forestry organizations have not listed thousands of acres of these watershed lands to come within the provisions of the Clarke-McNary Act. Therefore, they do not qualify for Federal aid.

It is desirable that organized fire protection be extended to all non-agricultural lands regardless of ownership pattern, but BLM is especially interested in those areas where it has management responsibilities.

Possible Solutions

1. State Foresters should assume leadership in the States where they have authority and responsibility to establish protection districts. In States where the authority and responsibility for administration of land is divided between the State Foresters and Land Commissioners, greater liaison is needed to bring about more effective protection.

2. Consideration should be given to passage of new laws or amend present ones in order to provide more effective leadership where jurisdiction and responsibility for protection is divided among several agencies.

3. Emphasize to the public its responsibility for fires which escape from privately owned lands. Consideration should be given to making it a felony, rather than a misdemeanor, for willful setting of fires.

4. BLM will cooperate fully in establishing protection districts in areas not now under organized protection.

    a. It is willing to assume full responsibility on a prorata share cost basis in areas where lands under jurisdiction of BLM are in the majority.

    b. In areas where lands administered by BLM are in the minority, BLM will assist in establishing a protection organization and pay its proportionate share of the cost of protection or cooperatively exchange protection responsibilities to block areas.

5. BLM will arrange to provide protection to intermingled private lands on important watershed areas where there is no established fire protection district through formal agreements, with the landowners, providing for reimbursement or mutual assistance where such areas are within BLM administration districts.

6. As an incentive to establish more effective protection to lands, more emphasis should be given to the Civil Defense needs and the authority of the Department of Defense to provide financial assistance to protection districts.

During the last year, the American Forestry Association and the Western Forestry and Conservation Association recognized the problem and have either written into their program or their resolutions recommendations for intensification of fire prevention and suppression programs. They emphasize the need for organized fire control on all lands and that all rural areas be given greater protection in the interest of conservation and Civil Defense. Similar recommendations from the Cattlemen's and Woolgrowers Associations would be helpful.

Two years ago in eastern Oregon, in an area where public lands comprise less than 10 percent of the total, an experiment was tried. Meetings were held with the people informing them the Bureau was through fighting private fires except where they were a real threat to the public lands. Immediately the Bureau was condemned and many private landowners insisted the Bureau was compelled by law to protect the lands.

Additional meetings were held and after full consideration of the problem several cooperative agreements were worked out which are working very well. It is planned to go forward with this program. Meetings have been held with the Intermountain State Foresters and they have indicated their willingness to cooperate as far as they can under their individual State laws.

It is believed we are on the road to better fire control cooperation, although only time will tell.

The Bureau is presently making a reevaluation study of the entire protection program. This study, among other things, will include:

1. Study of jurisdictional patterns and problems

2. Types of protection needed in line with cover type, population trends, and incidence of fire

3. Relationship between land values and protection costs

4. Protection in relation to other programs

5. Use of controlled burning as a management tool

6. Evaluation of present prevention and suppression programs as to efficiency and value received per dollar expended.

7. Evaluation of present equipment, facilities, and communication system as to adequacy in relation to needs

These are but a few of the problems which will be taken up.

If there are any questions regarding any of the facets of the Bureau's fire control program, we'll be glad to answer them.

STATEMENT OF JERRY A. O'CALLAGHAN
ASSISTANT DIRECTOR, BUREAU OF LAND MANAGEMENT
Before the National Advisory Board Council, March 18, 1964

COOPERATIVE RELATIONSHIPS IN PUBLIC LAND MANAGEMENT

"Public sentiment is everything; without it nothing can succeed. Consequently, he who molds public sentiment goes deeper than he who enacts statutes or decisions. He makes statutes or decisions possible to execute."

This wise observation is attributed to Abraham Lincoln. I have slighted both the historical and journalism professions where I have received my major training by not checking this out to see if Lincoln actually said it. I plead the argument that if he didn't he easily could have. The quotation has all the earmarks of Abraham Lincoln's wisdom.

During my 2½ years with the Bureau of Land Management, I have become daily more conscious of the desire of its Directors and of Assistant Secretary John Carver and others that the Department and the Bureau rely on positive approaches to conservation which will commend itself to public sentiment and hence make it possible in Lincoln's purported words to make "statutes and decisions possible to execute." I have also noticed informally and, now formally, a Congressional desire that public land administration involve cooperation to an even greater extent.

Both the multiple use bill (H.R. 5159) and the public sale bill (H.R. 5498) as the House Committee on Interior and Insular Affairs has worked its will upon them will require a new dimension in the cooperative relationships in connection with public land management. As I discussed this morning, the multiple use bill calls for the Secretary of the Interior to develop and promulgate regulations "containing criteria by which he will determine which of the public lands and other Federal lands. . . administered by him through the Bureau of Land Management shall be (1) disposed of . . . or (2) retained in Federal ownership and managed for" their multiple use values. The bill further requires that no such regulation shall become effective until the expiration of at least 30 days after the Secretary or his designee have held a public hearing thereon. Another section of the bill requires public notice of certain classifications. In the public sale bill the committee's version would require the Secretary of the Interior to notify before offering lands for sale "the head of the governing body of the political subdivision of the State having jurisdiction over zoning in the geographic area within which the lands are located, or in the absence of such political subdivision, the governor of the State, in order to afford the appropriate body with the opportunity of zoning for the use of the land in accordance with local planning and development."

As far as I know, there is every predisposition in the Bureau to meet the letter and spirit of these requirements even before they become law.

These bills have definite implications for you, members of the National Advisory Board Council. If we are to have multiple use administration, an inescapable corollary is multiple use advice.

This morning you heard Director Stoddard describe the identification, inventory, analysis and classification which the Bureau is undertaking in developing a programming system for multi-resources management.

In the so-called Resources Management Areas where the Bureau will have a primary and major effort, we will be primarily concerned with developing effective working relationships with other governmental land management agencies such as the Bureau of Sport Fisheries & Wildlife, the Bureau of Outdoor Recreation, the National Park Service. We will also be concerned with effective coordinating efforts for land management and a more effective cooperative effort with State officials. Fish and Game Commissions come readily to mind in this context.

In the transition areas, particularly in the areas which we will be designating for so-called cooperative management areas for lack of a better term at the present, we will depend upon a close working relationship with soil conservation districts and State and county governments for our assistance in planning land treatment measures and management decisions. We will work extremely closer and much more effectively than in the past with the Soil Conservation Service. We are interested in the most effective and productive use of both the public and the private lands of the West. We are interested in a healthy western cattle industry. As you know, over 80 percent of our permittees have a permit for fewer than 200 head. This is scarcely an economic unit in the cattle business today and certainly won't be tomorrow. The Farmers Home Administration is developing association loans for smaller farmers. We will be working closely with it to assist the ranchers to meet the adjustments of adjudication.

In our transfer areas near the cities and towns, we will rely on city and county planning agencies to lay out their long term needs for urban and city expansion, to identify the public land areas which will fit within their expansion forecast. Our techniques of carrying this into operation include our insistence that BLM people have a knowledge of other agencies -- Federal, State, and local -- and that they consider the Bureau program in a framework of the responsibilities of other agencies.

In the past, there has been no desire not to cooperate on the part of Bureau officials. The very existence of the National Advisory Board Council is a concrete testament to the spirit of cooperation. We are

faced, however, with a new dimension, consequently cooperation can no longer be treated in the Bureau as something that busy officials do on the margins of their time or when they have nothing else that they can profitably do. Mr. Stoddard has indicated a strong desire that he wants cooperation pursued systematically, if not relentlessly. I am very pleased that he has entrusted me, informally for the present, with the task of making cooperation an actual fact of day to day operations in the field, in the State offices, and in Washington. I think it only fair to warn you that if cooperation becomes a full time matter with the Bureau it will mean a further demand on the time and talent of local leaders like yourselves.

With that warning, I shall discuss some of the various facets of cooperative relationships as they are beginning to emerge.

Under President John F. Kennedy, there was an express presidential requirement for more coordination of the Federal Departments and Agencies at the local level. I have seen no lessening of that desire since President Johnson has taken the helm. His demands for the increased efficiency of the Federal establishment are, of course, one way of demanding coordination and cooperation at all levels of government. The Bureau of Land Management does not command within its own organization, and there are very good reasons why it should not command, all the professional talent that is needed in managing the complex of values embraced by the simple term "public lands." We necessarily must rely on the technical expertise of other agencies. Charles Stoddard has given added impetus to this common sense requirement. He now has various proposals before the Secretary and Bureau chiefs within the Department of the Interior which seek to abate some of these jurisdictional bickerings over real estate. They would assure that the professional competence of Bureaus is brought into public land management without the fragmentation of the public lands into bureaucratic fiefdoms on the plea that each specialty has to have exclusive jurisdiction in order to insure that its specialty is properly recognized. We have now implemented a new agreement with the Bureau of Sport Fisheries & Wildlife for the joint administration of the Charles M. Russell Wildlife Range in Montana. The preliminary reports are encouraging. The closely intermingled ownerships pose a unique challenge to administrators. The Department and the Bureau are seeking to respond by searching out a unit of local government that is uniquely qualified to work with us. We think we have found that unit in the soil conservation districts. These are districts organized under the laws of the States; they secure technical assistance from the Soil Conservation Service in the Department of Agriculture. Secretary Udall has called for Departmental agreements with the Soil Conservation Districts and the Department of the Interior. These general agreements are to be filled in by specific operating agreements between the various bureaus of the Department and the individual Soil Conservation Districts. We now have 13 Departmental agreements. We are busy bringing Bureau agreements up to date. We are looking forward to increasing the management level of

the intermingled lands by cooperative arrangements with the Soil Conservation Districts whereby the Districts will furnish the administrative mechanism including the technical professional work on the private and intermingled land while we furnish money and the technical proficiency that is not available to the Soil Conservation Service.

In a somewhat analogous situation, we see opportunity for cooperative protection in areas of intermingled ownership where this is a particularly vexatious problem. While one hears a great deal of talk about local responsibility, any fair or impartial observer would have to say, I think, that a good many local people are very happy to relinquish their own responsibilities with respect to fire fighting when the presence of public lands makes an easy excuse to think that Uncle Sam will do it. All that is practical and all that is theoretical about local responsibility indicates that local fire districts with contributions from the Bureau of Land Management should undertake the responsibility. Fire protection on the intermingled lands may well be the testing grounds for the bona fides of cooperative relationships. In this instance, the Government is able and willing, more than willing to cooperate but communities will have to cooperate also in that most meaningful way, that is putting money on the line.

As the public sale bill makes clear the localities will have a definite opportunity to make land use plans for the expansion of communities and the Federal effort to be responsive to that land use plan if it exists. If local communities shirk the responsibility the Secretary of the Interior is perfectly free to proceed with sales of public lands for community development and urban commercial and residential purposes. "The monkey is on the local government's back" to use an inelegant but very meaningful phrase.

As an example of cooperative relationships involving users and another government agency, I report the amiable solution of a nine year grazing adjudication case in eastern Oregon.

Part of the success of this amiable settlement of a nine year and very costly protest was the effective cooperation of the Farmers' Home Administration in coming to the adjudication meeting, explaining its loan programs and offering to be of assistance to the farmers and ranchers facing adjudication. The local ranchers found their credit elsewhere but I think it reasonable to assume that the availability of FHA credit was the critical factor.

The willingness of ranch people to accept a cut, the willingness of FHA to use its good offices, the willingness of local financial institutions, once all the facts were known, to extend credit have all led to this resolution. Now the time and effort of all can go to the conservation work that needs to be done.

I think that it is now clear that the Director of the Bureau of Land Management and the Secretary of the Interior and their agents will need the best advice that is obtainable if the coordination and cooperation which is inherent in the multiple-use management of public lands is to succeed. If it is to succeed, the multiple-use decisions must strike a responsive cord of public sentiment without which, in Lincoln's attributed words, "nothing can succeed."

We must thoroughly evaluate the needs of the Bureau at the district, State, and national level for a well balanced formal advisory structure. This does not mean that we should abandon or can we abandon the specific functions specified by the Taylor Act; but we should expand the purposes of our advisory committees to perform effectively the essential duties of citizen advisory committees which are so important to a multiple-purpose land management agency.

Without any preconceptions of the exact form the advisory structure should take, I have great faith that a decisive contribution can be made through it. I see that all of Friday morning has been turned over to this important discussion. I shall look forward to exploring cooperative relations and advice at that time.

REMARKS OF JOSEPH A. TUDOR
ASSISTANT SOLICITOR, BRANCH OF LANDS
Before the National Advisory Board Council
March 18, 1964

I don't know at this late hour of the day whether I can be very exciting. By the same token, I don't have the advantage that Mr. Harris and Mr. Rowland had in that with pictures they can save a thousand words. I will have to use a thousand words to give you an inadequate picture. I will not be able to give you very much detail. Likewise, for the past 15 years I have been sitting at the side or rear, once in a while I get up front. So I welcome this opportunity to converse with you face to face.

Before you get into this and before I get into this with you, I would like to tell you a little bit about the Solicitor's Office.

The Solicitor is the chief legal officer of the Department. He is the chief legal adviser to the Secretary of the Interior and to the Interior agencies. Prior to 1914 the legal work of this department was handled by an assistant attorney general from the Justice Department who was detailed to do the supervisory and legal work. With the advance of many new agencies, bureau and offices into the department, it became too much of a task for a detached or delegated authority from the Justice Department and a solicitor's office was established in the Department in 1914.

At the time , many of the agencies, major agencies, like the General Land Office, had their own chief counsel and legal staffs, although they worked under the general supervision of the Solicitor's office. They were independent or quasi-independent legal counsel to the Bureau heads and the Bureau personnel.

The Chief Counsel's office was merged in 1954 into the Solicitor's Office proper, and the personnel, the lawyers and clerks, were moved up into the Solicitor's Office. Since 1954 we have been a part of the Solicitor's staff. Bureau legal staffs were eliminated.

The Solicitor's Office is divided more or less along Bureau lines and the division in which I am located, Division of Public Lands, handles the legal work of the Bureau of Land Management, and also the legal work of the Geological Survey, a good deal at least in the enformcement of the Connally Hot Oil Act.

The Solicitor's staff, Division of Public Lands, is divided into two branches, the Branch of Minerals, which handles a good deal of the mining laws and mineral leasing laws of the Bureau of Land Management, OCS, Outer Continental Shelf, and the Branch of Lands, which I head, which

handles a good deal of your other public land management work.

Litigation takes perhaps 25 per cent, perhaps one-third of our working time. It is, however, very important because out of litigation we have enforcement of contracts, leases and permits, collection of debts, penalizing of law violators, collection of trespass charges. And of course there are many suits against the Secretary of the Interior under the various public land laws -- people who believe they have rights under the various public land laws, which have been disregarded.

As I have told many of you privately from time to time, anybody can sue anybody for anything. It is just a question of winning or getting a hearing. I might say, in terms of figures, that we have at the present time in our division a backlog of perhaps a hundred and twenty cases. But that does not mean that these are cases which we have not worked on. Some of these cases have been sent back to the Bureau for further investigation. Some are before us for handling -- very few -- but the great majority of these cases are in the Justice Department or in the courts.

I might mention, also, that we, through our office, handle the condemnation cases arising -- condemnation for access roads up in Oregon, for instance, or access roads in other areas. We do not have too many condemnation cases from the Bureau of Land Management. The Bureau of Reclamation has many more and their solicitor, their division of water and power places a far greater emphasis on the condemnation work.

What other kinds of cases do we have? I have indicated some. The most important is the trespass work because it is the most bothersome -- so much depends on the kind of investigation and evidence which is presented. And it takes time and as time goes by witnesses disappear and move out, the trespasser -- his financial condition may change -- moves out and enforcement becomes a very difficult thing.

However, we have been very successful in most instances of enforcement. There is one more factor that I would like to mention of the type of cooperation which we have with the Bureau.

As an arm of the Solicitor's Office, we are the legal counsel, legal advisor to the Bureau and we also review correspondence going up to the Secretariat, relating to the Bureau of Land Management or the Geological Survey, correspondence going to the Secretary or Assistant Secretary for signature. We also cooperate, review, assist in formulation of regulations and ligislation, commenting on pending legislation. We try to answer legal questions by written opinions, legal questions arising in the Bureau, sometimes from members of Congress, sometimes from our own clients, that is the various applicants before the Bureau of Land Management or from trade associations or private attorneys.

Sometimes problems arise in the field. As you know we have regional solicitors throughout the West. These, then, are problems which the regional solicitors are not able to handle. We have a certain amount of supervisory authority over the work of the regional solicitors relating to our field of interest.

There are problems which can arise which they cannot handle; I will give you just an illustration of two of them.

In Utah the Christmas tree problem -- you may have heard of it. I think it was briefly touched upon this morning. That is a situtation where for decades and perhaps for generations people in Utah have been going out into the hills and cutting down Christmas trees and bringing truckloads of Christmas trees in and selling them. They are in trespass if cutting is without a Bureau permit. Christmas trees cost under 50 cents apiece when they are cut that way. And the truckloads of Christmas trees may be worth only $50 each. We have to enforce the trespass laws in accordance with the local statutes. And it becomes a real problem to get the United States attorney to prosecute a case in a local court in which only $50 is involved and in which a local citizen may be involved. It is also a crime -- a criminal offense to cut trees without authority. But it becomes a problem in that there is a reluctance on the part of the United States attorney to get involved in such small matters. He has so many other things, dollar-wise much more important, and the local authorities are not too happy about enforcing these things which have been going on for generations.

I understand in some situtations it is the second or third generation of people who have been cutting Christmas trees on public lands. However, it is so widely spread that it has become a real management problem for BLM. So some of our lawyers were in contact with the criminal and enforcement units of the Justice Department, and they have agreed with us that if we can present a good case, work up good evidence, they will make it their prime business to see that the United States attorney does prosecute. If we are successful in the prosecution we will give it the widest public relations job that we can and we hope it will have the beneficial effect.

With 700 million acres to supervise, trespass is a problem, not only in timber, but minerals, occupancy and other resources.

Another situation of cooperation was in the area of blow-down timber in Oregon. You remember the Columbus Day storm of 1962 which created havoc in Oregon. It became necessary to accelerate the procedure whereby we would obtain access roads into the timbered areas in order to get some of this blow-down timber out. By cooperation between this Department's Solicitor's office and the Justice Department's Lands Division, we have reduced the time for

legal action and have permitted the local people, regional solicitor's office, to file these condemnation suits directly, just with bare notice to Interior in Washington and from Justice Department in Washington, which saves time, and time is of the essence in this particular situation.

These are just two illustrations of the types of cooperation which we render. My primary function here, however, is to tell you something about some of the cases and I was asked to make it dramatic. I don't know whether I can.

But I will just discuss more or less briefly some of the cases that have occurred -- some of the court decisions in recent months.

Let me talk about a grazing case, La Rue vs. Udall. It has to do with the Taylor Grazing Act and the Secretary's authority and responsibility under the Act.

North American Aviation Company needed a large tract of land for a defense project having to do with defense missiles and rockets. We do not have any public land authority by which we could have sold or leased to North American this very large acreage. You are familiar with the situation, you have heard reference to the urban bill, industrial site bill and so on. The large acreage which North American needed, they could obtain only by exchange under Section 8 of the Taylor Grazing Act. So North American, pursuant to Section 8 offered 20,000 acres of land in district near Reno in exchange for 10,000 acres of equal value land within a different grazing district. The purpose was to consolidate North American's holdings for a rocket fuel testing program.

You are familiar with Section 8(b). It provides that when such an exchange is in the public interest or when the public interest will be benefited, the Secretary may enter into such an exchange. La Rue held grazing permits on the public land sought in the exchange. He is a livestockman just like many of you. In this operation any of you could be in the same situation.

The Secretary of the Interior, without formal hearings and over La Rue's protest, accepted the application and offered land, and found that it was in the public interest, since it involved national defense. The exchange was not limited to grazing purposes and that is the heart of La Rue's complaint, that under the law the exchanges are supposed to be limited to grazing purposes.

The District Court in a mandamus action filed by La Rue, affirmed the Secretary's decision. The Court of Appeals also affirmed, holding that the public interest in Section 8(b) included national defense and

it undoubtedly included many other items that would be considered a benefit to the public interest. Also, that under the Act there is no interest under the Fifth Amendment requiring a hearing because the Taylor Grazing Act requires none for exchange proceedings.

We are not talking about a hearing in connection with a grazing license or permit which is required by the Taylor Grazing Act. We are talking here in connection with exchange proceedings.

Further it was held that the prohibition in the Act against denying a renewal of the permit when the grazing unit was mortgaged and there was a lien on it, as exists in so many grazing operations, did not create a vested right against the United States precluding the proposed exchange.

One judge concurred in the result, reasoning that public interest meant a grazing interest, but that the grazing interests would be served by the exchange. La Rue's permit termination was held to be proper. He thereupon appealed to the Court of Appeals and went up as far as the Supreme Court, but petition for certiorari was denied as of last Friday. We are now going ahead with the remainder of our North American Aviation exchanges.

A patent, I am sure will issue to North American in the exchange case which was the cause of this particular trial.

There is another grazing case a little more involved. This is in Montana, Wade McNeil vs. Udall. This has to do with some of the problems that Ed Rowland hinted at. McNeil is a licensee or permittee and, as many of you know, we have state cooperative grazing districts in Montana.

Prior to 1936 and 1937, McNeil had a license under the Taylor Act under our normal range code procedure. Around that time, 1936, 1937, 1938, the land office entered into an agreement with the State Cooperative District and license were issued to the State districts. This is in the South Phillips area of Montana and licenses issued under this cooperative agreement rather than under the range code.

This was the situation until 1952 when the BLM failed to sign a new cooperative agreement in South Phillips and the lands were again put under the range code, under authority of the grazing district.

McNeil, during the operation under the State Cooperative District had been granted more rights than he would have had under the range code system. Because of lack of records during the period of tenure by the State Cooperative Districts, and the lack of basic records of the base property, the Bureau in 1953 passed a special rule with the advice and recommendation of the local advisory board, authorizing a new

priority period, 1947 to 1952 -- the five years preceding the time when the Bureau again took over direct administration of these lands. McNeil complained that under this special rule he was getting less privileges than he was entitled under the Taylor Act and that the privileges which he allegedly was entitled to were going to others.

He had appeals going up to the Department and the Department substained the decision all the way; the case went into court here in the District of Columbia. He won in the local court which ruled that his privileges should be adjudicated or that the special rule, relative to the prior period, should not be used with regard to Wade McNeil's case alone. It did not say this special rule was invalid or void. It merely said that, as to Wade McNeil, his permit shall be adjudicated in accordance with the Taylor Act; the special rule priority period should not apply. That is, his priority period will be 1929-1934, as in other districts under the Taylor Act.

The court did not spell out the extent of A.U.M. privileges McNeil would be entitled to in specific terms, although the judge did indicate what he felt he was entitled to.

In a minority opinion by two judges, it was pointed out that if we use the 1929-1934 yardstick McNeil probably would get less than half of what the Bureau would be giving him under the 1947-1952 priority period. And it turned out that way in reality. When, after the decree came out and we did not appeal, we went to adjudicating McNeil under the 1929-1934 priority period, we found that he had disposed of some of his base property and therefore we gave him less Class 1, and a certain amount of Class 2. He took us back into court, complaining that we disregarded the opinion of the court and that we were again in violation.

Just again to summarize, what finally happened, just very recently, Judge Tamm of the local Court of Appeals said that we were to look at the priority period and adjudge McNeil's privileges in terms of the priority period, 1929-1934 and in terms of the range code in its entirety. This relates to Class 1 and the court was not going to look behind the Secretary of the Interior's adjudication unless it was clearly erroneous; that the prior judicial action had not adjudicated the privileges as claimed by Wade McNeil; it merely told the Secretary of the Interior not to apply the 1947-1952 priority period to McNeil.

Let me get into a mining case or two. Though this is out of my regular bailiwick.

We have a very interesting problem in Alaska. Everything in Alaska is unique. I am talking of the case of Tallman vs. Udall. The

factual situation is this: In 1941 an Executive Order created the Moose range in Alaska and removed the land from entry and other disposition. The Secretary of the Interior interpreted the Order as not removing the land from the operation of the Mineral Lease Act and allowed the filing of the applications and issuance of leases thereunder. Pending the study of feasibility the ussuance of leases was suspended from 1953 to 1958. To summarize briefly what happened, the Secretary did issue many leases during the pendency of this Executive Order on his understanding, the Department's understanding, that mineral leasing was not precluded by virtue of this Executive Order, and that those who did file in this interim period were first in time and therefore entitled to their leases.

Many leases were issued. But in 1958 Tallman applied for a lease on the open portion and was rejected because a lease had been issued on the land applied for pursuant to an application filed in 1955. The Secretary decided that the land had at all times been open to application because the withdrawal order prohibited only disposition involving alienation of title. The oil and gas application was denied.

The district court affirmed the Secretary's decision. The court concluded that the 1941 order withdrew the land from all forms of disposition, including the Mineral Leasing Act and the Secretary's decision to the contrary was unreasonable.

The court said then that, in terms of this withdrawal, Tallman was first in time and entitled to a lease. This situation would be not so disastrous and perhaps would not have caused so much distress in the Department, but it happens to be in a very important area, some 900,000 acres are involved, some major oil companies have obtained these leases which are in question; many millions of dollars have been invested and production has been obtained.

The Department is trying to correct the situation by administrative efforts, and if those fail, by legislative efforts, hoping some corrective legislation can be gotten through the Congress. In the meantime, of course, we have this court decree under appeal and eventually we may have to look to the Supreme Court and try to resolve the situation in our favor. This case indicates that the Department doen not win every single ball game.

We have another very important case in the mineral field, the case of Boesche vs. Udall. The essence of it is basically the same as in Tallman, except it didn't involve withdrawn lands. An oil and gas lease was issued to Boesche; subsequently the Secretary determined that the lease had been issued erroneously, that at the

In so doing the Tenth Circuit Court relied heavily on the analogies of mineral leases and fee patent.

We frequently say that once we issue a patent which is a disposition of title this Department has no further jurisdiction. However, if there is a patent issued erroneously or fraudulently, we can go into court and try to have the patent cancelled.

In the interest of time I will move on to some other cases. We now come to a timber case, United States vs. State Box Lumber Company. This involved more primarily the Forest Service. A statute of 1862 had made land grants to the railroads for railroad construction. This was Central Pacific Railroad. One section said that when the land was granted was mineral land, such grant did not take place but the timber on that land could be used by the railroad -- the timber was granted to the railroad.

This has posed problems through the years and this is all in heavily-wooded areas in California. This is the problem, when is the railroad required to exercise this right to remove the timber? Let me read my briefing on this:

Timber rights on the reserve mineral lands were granted in 1862 to the railroad. Neither the grantees or their successor in interest have removed timber off the land after 1912. The government instituted and won this quiet title action after a claim to cut timber was asserted by a company under lease from the railroad.

The Court of Appeals affirmed, agreeing with the District Court's opinion. The court held that Federal law must apply since the Federal interest in having identical transactions uniform would be defeated by differing applications of the various State laws. The 1862 statute was construed as not granting timber rights in perpetuity; that is, the right to remove the timber was not in perpetuity but the grant required removal within a reasonable period of time which, under the facts here, the District Court found had lapsed, resulting in forfeiture of the grant.

This is a Forest Service case and it is in a national forest. However, I understand that BLM has some 3,000 acres in California, heavily forested and wooded, and the ruling in this case in applicable to BLM lands.

I have one more case I want to get into and this is the matter of public sale.

Public sale, as you know, under Section 14 of the Taylor Grazing Act, provides for sale of isolated tracts within the acreage limitation, and

also of rough and mountainous tracts. Our regulations provide that, until a final certificate is issued, the purchaser, which is generally the high bidder, has no right against the United States. In other words, there is no contractual obligation created by merely bidding and being the high bidder on a piece of public land under the public sale law.

Not until all of the processes are concluded and the patent issues, does your title vest. The plaintiff here -- this is Ferry vs. Udall -- was declared the high bidder at a public sale of land. Plaintiff paid the amount of bid to the BLM but had not received either a cash certificate or a patent. Thereafter, another applicant requested that the sale be set aside on the ground that there had been collusive bidding. The manager rejected the request and the third party appealed to the Director who affirmed the action of the manager. This was appealed to the Secretary of the Interior and the Assistant Secretary determined that the sale should be vacated.

Now bear in mind the sequence of the Ferry application. Ferry, the applicant said there was collusive and restricted bidding. The Assistant Secretary looking at the appeal, and at the over-all sale, determined that the appraisal had been made too low, was not a proper appraisal at the time of the sale and ordered the sale vacated.

The plaintiff, Ferry, brought this action to obtain judicial review of the decision which cancelled and vacated the sale and sought judgment declaring he was entitled to the issuance of a cash certificate and a fee patent to the land. The court granted the Government's motion for summary judgment, following the decision in Wilcoxen vs. United States. This is another case arising out of a public sale in Arizona, which had gone up to the Supreme Court; the Supreme Court again had affirmed the authority of the Secretary to refuse to issue a patent relying on the regulation which said that until a final certificate or patent is issued, the purchaser has no contractual rights against the United States.

In effect, what it says is that when you are bidding at a sale, whether it is a Federal sale or private sale, you are bound by all the terms and conditions of that sale and the regulations covering public sales are as binding on a bidder because the sale is being made under our regulations and our regulations provide this limitation.

I think that gives you the essence. I don't know whether I made it dramatic. I only gave you five of the eight cases that I intended to talk about.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

March 5, 1964

Memorandum

To: Director, Bureau of Land Management

From: Secretary of the Interior

Subject: Establishment of committees within the National Advisory Board Council

By virtue of the authority vested in the Secretary of the Interior pursuant to section 3(b) of Executive Order No. 11007, February 26, 1962, I hereby determine the establishment of committees, structured and staffed according to the related kinds of uses of, and concerns with, the public lands and resources, within the National Advisory Board Council, to be in the public interest in connection with the performance of duties imposed upon the Department of the Interior by law.

Further, I hereby authorize the Director, Bureau of Land Management, to discuss and explore with the Council, at its next meeting, the formation, membership, and utilization of such committees and, on by behalf, to take any and all steps necessary to their establishment, subject to the requirements and limitations of Executive Order No. 11007.

/s/ Stewart L. Udall

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington, D. C.

March 19, 1964

Staff Report: ESTABLISHMENT OF COMMITTEES WITHIN THE NATIONAL ADVISORY BOARD COUNCIL

1. Background: At its last meeting the Council, upon the motion of Mr. Bruce Anderson, recommended the establishment of five standing committees within the Council. The recommendation clearly sets forth its underlying purpose--namely: "to expedite and facilitate the functions of the National Advisory Board Council as multiple use advisory board on public lands and resources."

2. Bureau view: My staff and I have given much thought to the Council recommendation for standing committees. And I want you gentlemen to know that I appreciate your interest and your efforts in making the Council as effective as possible in assisting with the work of the Bureau and the Department.

Use of committees, I believe, provides a means for the Council and its members individually to work more effectively. I am sure, also, that for this same purpose there are other steps that can be taken. The discussion of the "Role of the Council" scheduled for tomorrow should give us opportunity to explore the matter thoroughly.

3. Areas of agreement:

a. Committee concept. I am in full agreement with the basic Council recommendation for the establishment and use of standing committees. A logical committee arrangement should yield some definite advantages:

(1) Save time for the Council as a whole. This is important considering that frequent meetings of the Council are not feasible and the increasing kinds and complexities of matters upon which we ought to have your advice and recommendations.

(2) Provide increased opportunity for the greatest use of the capabilities and special qualifications of individual Council members. This, too, is most important when you consider the wide range and complexity of problems in today's business of managing the public lands and resources.

b. Committee membership: As we interpret the Council recommendation for standing committees, the intent is that each Council member would serve on at least one committee. We are in full agreement with this idea. Each member has capabilities and know-how which he can contribute and which ought to be made use of to the fullest. Also, it is desirable that each member have active participation and share in the work of the Council.

c. Procedures: Executive Order 11007, establishes certain rules and requirements that apply to advisory groups, including this Council. Those rules will also be applicable to any committees established within the Council.

It is my desire that the mechanics and procedures for use of committees within the Council be as flexible and simple as possible. This I assure you, so that the committees can function most effectively. Nevertheless, I do want to remind you that Executive Order 11007 applies to all Government agencies and that we must proceed accordingly.

4. Composition of Committees: The Council recommendation provides for five standing committees --

Stockraising
Wildlife
Recreation
Conservation and Natural Resources Utilization
Civic Affairs

As it now exists -- and as recognized in its recommendation for committees -- the Council's role is that of advisor on use and management of public lands and resources within the concept of multiple uses and public concerns. As Assistant Secretary Carver emphasized yesterday, the "public interest point of view is the hallmark of the Council's actions."

In keeping with the Council's role and the intent of its recommendation for committees, I would like to suggest that you consider committees made up somewhat differently than was initially proposed. For example, is it possible to establish committees that are structured and staffed according to the related kinds of uses of, and concerns with, the public lands and resources.

I have no hard and fast ideas, and I want you gentlemen to feel that the kind of committee set-up adopted will make sense and will work. But as a basis for discussion, suppose committees where established in the Council somewhat as follows:

(1) Industry Use Committee (stockraising, forest products, mining, mineral leasing, etc.)

(2) Public Use Committee (fishing, hunting, and all other forms of recreational use)

(3) Resource Management Committee (this would include all Bureau programs and activities, including cooperative undertakings, for management of the renewable resources, soil and watershed conservation, etc.)

(4) Community Affairs Committee (this would include cooperation with and the concerns of local government bodies in matters pertaining to zoning, recreational use of public lands, urban expansion, etc.)

(5) Public Information and Education Committee (this would include matters bearing on the ways and means of, and concerns, in developing the understanding of organizations and the general public in Bureau and Department programs for use and management of the public lands).

I am sure each of you can suggest other committee combinations. In the possible combinations I have suggested, I have two basic points in mind:

1. Attempt to pull together related public lands interests and concerns.

2. Through that means, and logical assignment of committee memberships, provide a means aimed at assuring as much as possible that all sides of a question or proposition are explored and presented to the Council for its action. This kind of committee process is essential, I think, for the Council to carry forward its work in a manner oriented to the public interest.

COMMITTEE MEMBERSHIP
of
The National Advisory Board Council
March 19, 1964

Industry Use Committee

Bruce Anderson, Chairman (oil & gas)
Suite 930
Petroleum Club Building
Denver, Colorado

Edward W. Clyde (petroleum)
1329 Blaine Avenue
Salt Lake City, Utah

Vard H. Heaton (sheep)
Alton, Utah

Milton T. Jones (cattle)
Malad, Idaho

Garnett Kidd (wildlife)
Burley, Idaho

Ray Lincoln (sheep)
1019 Morningside Drive
Turin Falls, Idaho

Paul G. Lose (sheep)
Belfry, Montana

W. G. Maloney (mining)
505 Standard Building
Butte, Montana

Briant H. Stringham (sheep)
Vernal, Utah

George N. Swallow (sheep)
P.O. Box 457
Ely, Nevada

Public Use Committee

Lester R. Stewart, Chairman (cattle)
125 Clark Street
Bishop, California

Bruce Bowler (outdoor recreation)
Sonna Building
Boise, Idaho

Theodore Conn (wildlife)
19 South G Street
Lakeview, Oregon

Clarence Grieve* (cattle)
Box 77
Lander, Wyoming

Arthur J. Harris (state-wide)
c/o BLM State Director
Anchorage, Alaska

John Laxaque* (sheep)
Cedarville, California

Francis A. LeSourd (state-wide)
1140 Washington Building
Seattle, Washington

Carroll R. Noble (wildlife)
Cora, Wyoming

Hugh A. Shamberger (forestry & fire)
Route 1, Box 751
Carson City, Nevada

*alternates for March 18-20 meeting:

Lawrence W. Hayes (cattle)
Box 1311
Thermopolis, Wyoming

Joe Mendiburu (sheep)
P.O. Box 96
Oildale, California

Resource Management Committee

Floyd W. Lee, Chairman (sheep)
Box 421
Albuquerque, New Mexico

Lee J. Esplin (cattle)
St. George, Utah

Henry C. Gerber (cattle)
329 High Street
Klamath Falls, Oregon

Edwin S. Hofmann (wildlife)
Montrose, Colorado

Leonard Horn (cattle)
Wolcott, Colorado

Othel L. Pay (wildlife)
Nephi, Utah

Eldon Smith (wildlife)
Montana State College
Bozeman, Montana

James S. Weber (sheep)
Keating, Oregon

James S. Whaley* (soil conservation)

*alternate for March 18-20 meeting:

Walter Dimond (soil conservation)
Kemmerer, Wyoming

Community Affairs Committee

Gerhard N. Rostvold, Chairman (urban-suburban development)
1045 Yale Avenue
Claremont, California

Curtis E. Branson (wildlife)
1421 Division Street
Carson City, Nevada

Kumen S. Gardener (cattle)
Cedar City, Utah

George Ricca (county government)
Kingman, Arizona

Fred Strosnider (cattle)
P.O. Box 591
Yerrington, Nevada

William A. Williams, Jr. (conservation)
Route 1, Box 36
Santa Fe, New Mexico

Public Information & Education Eommittee

Judge Lloyd Rea, Chairman (county government)
Baker County Courthouse
Baker, Oregon

Gene J. Etchart (cattle)
Box 429
Glasgow, Montana

Homer Harrison (wildlife)
1700 Los Robles Drive
Bakersfield, California

F. Louis Hernandez (wildlife)
449 Ash, N.E.
Albuquerque, New Mexico

Max T. Layton (wildlife)
617 Main Street
Safford, Arizona

RECOMMENDATIONS OF THE NATIONAL ADVISORY BOARD COUNCIL
March 18-20, 1964

The National Advisory Board Council voted (11 for, 10 against, 16 not voting, and 4 not present) to recommend to the Secretary of the Interior for his consideration that the regulations set forth in 43 CFR 161.6 (e)(9) be amended to substitute the word "may" for the word "will", thereby rendering the operation of that regulation permissive rather than mandatory in connection with the loss of base property qualifications, as provided therein.

The National Advisory Board Council next voted unanimously to adopt and recommend to the Secretary of the Interior for his consideration the following recommendations of the Industry Use Committee:

1. That adjudication be accelerated and given a priority status, and that the appeals procedure be accelerated.

2. That land not be withdrawn from use without notice and hearing except in case of emergency; that the Government use greater care in the quantity of land withdrawn; that when the land withdrawn is no longer needed, it be promptly restored to the public domain and that the Government follow a general policy of permitting maximum economic use of the public domain rather than to "lock up" the resources; that, where lands are withdrawn, use not inconsistent with the withdrawal be permitted; and that the Department be given adequate power to carry out the program.

The Council next voted unanimously to adopt and recommend to the Secretary of the Interior for his consideration the following recommendations of the Public Use Committee:

1. That, in support of its already announced policy of multiple use for public lands, the Bureau of Land Management review carefully and critically each application for withdrawal of public lands for limited and special uses to see that continuation of the widest possible public use is assured.

2. That, to insure and control proper access to the public lands, an early study be made to formulate rules to control motorized vehicles toward confining such use to authorized and properly designated roads and trails and, further, that the subject of designating limited special use areas for jeeps and other four-wheel drive vehicles be given consideration.

The Council next voted unanimously to adopt and recommend to the Secretary of the Interior for his consideration the following recommendations of the Community Affairs Committee:

1. That the Council endorse H.R. 8070, establishing the Public Land Review Commission.

2. That the Council endorse H.R. 5159, especially the public notice features of the proposed legislation.

3. That the Council endorse H.R. 8305, particularly the provisions relating to community development and public notice.

4. That a full-scale program of intergovernmental cooperation between the Bureau of Land Management and State governmental units and the political subdivisions thereof be implemented, including local advisory boards, and State and local units of government.

5. That the Bureau of Land Management begin immediate detailed study of the particular areas where existing urban and industrial growth suggest increased pressures on disposition of public lands.

6. That there be established a closer working relationship between the Council and accredited organizations representing local, e.g., county and municipal units of government, with the specified recommendation that such organizations be invited to make presentations at future meetings of the Council.

The National Advisory Board Council voted unanimously to adopt and recommend to the Secretary of the Interior for his consideration the following recommendations of the Public Information and Education Committee:

1. That the Bureau of Land Management, Department of the Interior, prepare a brief monthly or quarterly summary of major Bureau actions and noteworthy activities, and that such reports be distributed by the Bureau to each member of the Council.

2. That sufficiently in advance of the next Council meeting, a compilation of recent Bureau publications and other public information materials be sent to the Committee whereupon the Committee will review these materials and submit its comments and suggestions on the Bureau's informational program to the Bureau.

3. That the Council recommend to the Secretary of the Interior that a roster of able speakers be compiled from the Council's membership, such speakers to address various public and private assemblies, informing them of the multiple uses and the multiple-use management of the Nation's public domain lands.

4. That the Council request the Secretary of the Interior to request all national conservation organizations to reserve, at their next national meetings, the longest possible time for a Council spokesman to address their memberships on multiple-use and conservation on the Nation's public domain lands.

5. That the Council recommend to the Secretary of the Interior that all Bureau of Land Management State Directors be instructed to inform the Superintendents of Schools of their various States that educational materials concerning the public lands and public land management are available for school use.

6. That all recognized publishers of text books be invited to include informative material pertaining to multiple-use practices on the public lands in their appropriate publications.

The National Advisory Board Council next voted unanimously to adopt and recommend to the Secretary of the Interior for his consideration the following recommendation of the Special Committee on Tenure:

1. That the recommendations of the Special Committee on Tenure adopted by the National Advisory Board Council on November 5, 1963, and the report of the minority on those recommendations be withdrawn, pending further study.

GPO 872-272

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